

























J. Wells N.Y.

BIRD'S-EYE VIEW OF WASHINGTON.

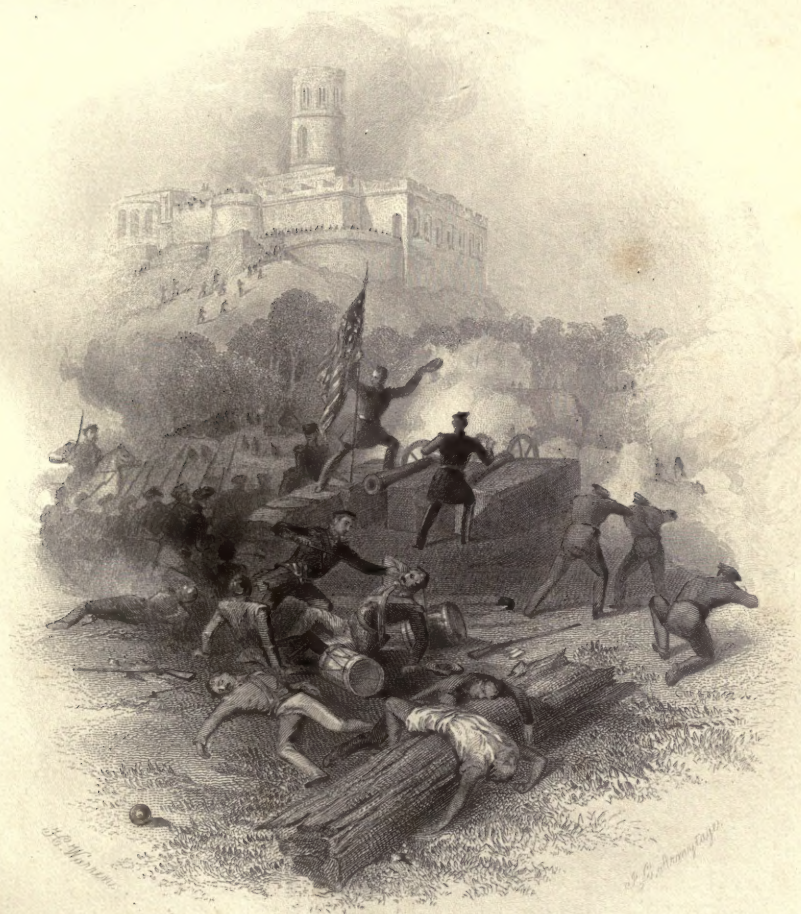
J.C. Armytage.



THE HISTORY  
OF  
THE UNITED STATES  
OF  
AMERICA,

*Continued to the Southern Secession.*

BY CHARLES MACKAY, ESQ. LL.D.



*The Storming of Chapultepec.*







*Bartlett, William Henry 1809-1854*

THE HISTORY

OF

THE UNITED STATES

OF

AMERICA.

WITH A CONTINUATION,

INCLUDING THE

PRESIDENCIES OF PIERCE AND BUCHANAN,

BY CHARLES MACKAY, ESQ., LL.D.

*Illustrated with Steel Engravings and Coloured Maps.*

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## BOOK III.

## THE ADMINISTRATION OF JACKSON AND VAN BUREN.

	PAGE
CHAP. I. Progress of the Union under Jackson's Presidency.—Removals from Office.—The United States' Land System.—Protection.—"Nullification."—Jackson's Vetoes.—Changes in the Cabinet.—The Great Bank Question.—Jackson Re-elected.—"Nullification" Extinguished.—The "Compromise" of 1833.—The Bank and Currency Controversy.—Public Distress.—Clay's Resolutions.—The Gold Coinage.—Attempt to Assassinate Jackson.—Commercial Speculations.—Election of Van Buren . . . . .	216
CHAP. II. Progress of the Union under Van Buren's Presidency.—Monetary and Mercantile Embarrassments.—A New Party in Opposition.—The Independent, or Sub-Treasury Scheme.—Opening of the Twenty-sixth Congress.—Movements and Combinations Preparatory to the ensuing Presidential Election.—Break-down of the Reform and Retrenchment Policy.—Election of General Harrison . . . . .	290
CHAP. III. The Independence of Texas.—Filibustering in the North, and the Affair of the Caroline.—The Exploring Expedition . . . . .	306
CHAP. IV. Northern or Free States.—Michigan State.—Iowa and Wisconsin Territories.—State Constitutions amended.—Local and Sectional Affairs.—Indian Removal.—Commerce and Manufactures . . . . .	318
CHAP. V. Southern or Slave-holding States.—Arkansas State.—The Constitution of Florida.—State Constitutions Revised and Amended.—State Action on Public Questions.—"Nullification," and the Ordinance of South Carolina.—The Cherokee Controversy with Georgia.—The Florida War.—Indian Removal.—Gold Mines.—Trade and Agriculture.—Slavery.—Texas . . . . .	327

## BOOK IV.

## THE ADMINISTRATION OF HARRISON AND TYLER.

CHAP. I. National Affairs during this Period.—Death of Harrison.—Extra Session of Congress.—National Bank Schemes—Bank Vetoes.—Changes in the Cabinet.—The Whig Manifesto.—M'Leod's Trial.—Texian Filibustering.—The New Tariff.—The Exchequer Plan.—Treaty of Washington.—Right of Search.—The Brig "Creole."—Settlement of the North-east Boundary Question.—The Oregon Question.—Treaty with China.—Sympathy for Ireland.—The "Native American" Party.—Annexation of Texas.—Election of James Knox Polk . . . . .	356
CHAP. II. States' Affairs during this Period.—Florida.—Iowa.—State Constitutions amended.—Local Affairs.—Mormonism.—Filibustering.—"Hunters' Lodges."—Repudiation.—Trade and Commerce.—Relations with the Indians.—Slavery. . . . .	393

## BOOK V.

## THE ADMINISTRATION OF POLK; AND THE MEXICAN WAR.

CHAP. I. National Affairs during this Period.—The Annexation of Texas.—The Oregon Question.—The new Tariff.—The Sub-Treasury.—"The Wilmot Proviso."—The Oregon Convention.—Aid for Ireland.—The Compromise Bill.—New Parties, and Changes in old Parties.—Election of Taylor and Fillmore.—The Coast Survey.—El Dorado discovered.—Treaties with Foreign Powers.—Organisation of California.—Railways to the Pacific.—The Slave-state Convention . . . . .	412
CHAP. II. The Mexican War.—Mexico.—Texas.—Hostilities Commenced on the Rio Grande.—Battles of Palo Alto and Resaca De la Palma.—Convention of Monterey.—Expeditions against California and New Mexico.—Expedition against Vera Cruz.—Battles of Buena Vista, Cerro Gordo, Contreras, Cherubusco, and Molino Del Rey.—Mexico taken.—Termination of Hostilities.—Treaty of Guadalupe Hidalgo . . . . .	432
CHAP. III. States' Affairs during this Period.—Texas.—Iowa.—Wisconsin.—Territories of Oregon and Minnesota.—Constitutions amended and renewed.—Local Affairs.—President's Tour.—Trade and Commerce.—Indian Affairs.—Slavery . . . . .	482



# BOOK VI.

## THE ADMINISTRATION OF ZACHARY TAYLOR AND MILLARD FILLMORE.

	PAGE
CHAP. I. Memoir of General Taylor.—His Inauguration, Address, and Cabinet.—The Census of 1850 . . . . .	493
CHAP. II. Discovery of Gold in California.—Acts of Congress relating to the Discovery of Minerals . . . . .	500
CHAP. III. Meeting of Congress.—President Taylor's First Message.—The Slavery Question in Congress: Clay's and Bell's Resolutions.—Death of President Taylor, and Succession of Fillmore . . . . .	503
CHAP. IV. Biography of Fillmore.—Passing of the Fugitive Slave Act.—Northern Opposition to it.—The Reasons that rendered it necessary . . . . .	532
CHAP. V. Death of Senator Calhoun.—Biographical Notice.—Memorial Speeches by Webster and Clay . . . . .	541
CHAP. VI. President Fillmore's First Annual Message.—Close of the Thirty-first Congress.—Acts of the past Session.—Opposition to the Fillmore Administration.—Meeting of the Thirty-second Congress.—Presidential Message . . . . .	545
CHAP. VII. Acts of Congress.—The Expedition to Cuba.—Proposal of England and France for a Treaty to secure the Spanish Possession of Cuba.—President Fillmore rejects the Proposal.—Letter of the Secretary of State.—Arrival of Kossuth.—He applies for Intervention . . . . .	553
CHAP. VIII. Meeting of Congress.—Presidential Message.—Foreign Affairs.—Prosperity of the States on the Pacific Coast.—Financial Statement.—The Tariff.—Relations with the Indians.—Land Sales.—The Army and Navy.—Policy of Non-intervention.—Condition of the Country.—Acts of Congress . . . . .	563
CHAP. IX. Various Expeditions to Foreign Countries.—Death of Senators Clay and Webster: Memoirs, and eulogistic Speeches on the Occasions . . . . .	568

# BOOK VII.

## THE ADMINISTRATION OF FRANKLIN PIERCE.

CHAP. I. Election of Franklin Pierce to the Presidency.—Biography of Pierce.—His Inauguration and Address.—The Monroe Doctrine.—The President's Cabinet.—Debate on the Clayton-Bulwer Treaty . . . . .	586
CHAP. II. Meeting of Congress.—Message from the President.—Acts of Congress.—Treaties with Japan and Mexico.—The Reciprocity Treaty.—Increase of Commerce . . . . .	595
CHAP. III. Meeting of Congress.—Presidential Message.—Foreign Affairs.—Central America.—Financial Statement.—State of the Indian Territory.—Report of the Postmaster-General.—The Public Lands.—Acts of Congress.—Baron de Kalb . . . . .	605
CHAP. IV. Meeting of Congress.—Contest for the Speakership.—The President's Message.—Disputes with Great Britain.—The Sound Dues.—Treaties effected.—Financial Statement.—The Army and Navy.—Indian Hostilities.—The Doctrine of State Rights: how affected by Slavery.—Danger of Interference by one State with the Affairs of Another.—Northern Aggression, as set forth in the History of the States.—Repeal of the Missouri Restrictions.—The Dissolution of the Union a probable Effect of Sectional Agitation.—The Cause contrasted with the Effects . . . . .	616
CHAP. V.—Legislation in Congress.—Affairs in Kansas.—Extra Session of Congress.—Dispute with Great Britain.—Complaints against Spain.—Retort of the Ostend Conference.—Election of President and Vice-President . . . . .	628
CHAP. VI.—Meeting of Congress.—The President's Message.—Northern Aggression and Agitation.—"Southern Encroachments."—Affairs in Kansas.—Financial Statement.—Department of the Interior.—Foreign Relations.—The Reciprocity Treaty.—The Sound Dues.—Neutral Commerce.—Central American Affairs.—Act of Congress.—The Atlantic Telegraph.—Review of Pierce's Administration . . . . .	636



## BOOK VIII.

## THE ADMINISTRATION OF JAMES BUCHANAN.

CHAP. I. Biography of President Buchanan.—His Inauguration.—The President's Cabinet . . .	650
CHAP. II. Meeting of Congress.—President Buchanan's First Message.—Foreign Affairs.—Expedition to Nicaragua.—Proceedings in Kansas.—Hostilities in Utah.—The Finances.—The Department of the Interior.—A National Balance-sheet for Sixty-Eight Years . . .	652
CHAP. III. Meeting of Congress.—Presidential Message.—Agitation in Kansas.—Hostilities in Utah.—Relations with Foreign Countries.—Affairs in Central America.—The Recent Commercial Revulsion.—Financial Condition of the Country.—The Post-Office Deficit.—Capture of a Slave Ship.—Speech by Senator Hammond on the Prospects of a Separate Organisation of the Southern States . . .	659
CHAP. IV. Meeting of Congress.—The "John Brown Conspiracy."—President's Message.—Slavery.—Foreign Affairs.—Unsettled State of Mexico.—The Post-Office Deficit.—Financial Statement . . .	674
CHAP. V. The Presidential Election.—The Republican Convention Nominate Abraham Lincoln.—Lincoln Elected to the Presidency.—South Carolina withdraws from the Union, and declares her Independence.—Letters by General Scott on the Southern Forts . . .	681
CHAP. VI. Biography of Abraham Lincoln . . .	698
CHAP. VII. President Buchanan's Last Message.—Remarks on the Crisis.—Foreign Relations.—Secession of several States.—Organisation of the Confederate States.—Jefferson Davis elected First President.—History of South Carolina.—The Doctrine of State Rights.—Conclusion . . .	704
APPENDIX . . .	717
ILLUSTRATED SUPPLEMENT . . .	745

## LIST OF ILLUSTRATIONS TO VOL. II.

BIRDS-EYE VIEW OF WASHINGTON	
<i>Frontispiece.</i>	
STORMING OF CHAPULTEPEC	<i>Vignette Title.</i>
MAP OF NORTH AMERICA . . .	1
PORTRAIT OF JAMES MONROE . . .	127
PORTRAIT OF JOHN QUINCY ADAMS . . .	153
PORTRAIT OF ANDREW JACKSON . . .	217
PORTRAIT OF THOMAS H. BENTON . . .	226
PORTRAIT OF M. VAN BUREN . . .	290
PORTRAIT OF SAMUEL HOUSTON . . .	308
BIRDS-EYE VIEW OF NEW ORLEANS . . .	326
PORTRAIT OF JOHN TYLER . . .	359
VIEW OF BALTIMORE . . .	384
PORTRAIT OF W. H. SEWARD . . .	404
PORTRAIT OF JAMES K. POLK . . .	412
PORTRAIT OF S. A. DOUGLAS . . .	419
MAP OF BRITISH COLUMBIA AND VAN- COUVER ISLAND . . .	422
MAP OF CENTRAL AMERICA AND THE WEST INDIES . . .	432
PORTRAIT OF J. C. FREMONT . . .	455
PORTRAIT OF WINFIELD SCOTT . . .	468
PORTRAIT OF ZACHARY TAYLOR . . .	494
MAP OF THE UNITED STATES . . .	500

PORTRAIT OF MILLARD FILLMORE . . .	532
PORTRAIT OF J. C. CALHOUN . . .	541
PORTRAIT OF H. CLAY . . .	570
PORTRAIT OF DANIEL WEBSTER . . .	574
PORTRAIT OF FRANKLIN PIERCE . . .	587
PORTRAIT OF BUCHANAN . . .	650
HARPER'S FERRY . . .	674

## SUPPLEMENT.

PORTRAIT OF MAJOR-GEN. BURNSIDE . . .	748
PORTRAIT OF COMMODORE FOOTE . . .	748
PORTRAIT OF GENERAL BEAUREGARD . . .	750
PORTRAIT OF WASHINGTON IRVING . . .	752
CHARGE OF HAWKINS'S ZOUAVES, ROANOKE ISLAND . . .	756
INCIDENT IN THE RETREAT AT THE BATTLE OF MANASSAS . . .	757
BATTLE OF BALL'S BLUFF (RESCUE OF BAKER'S BODY) . . .	762
BOMBARDMENT OF PORT ROYAL . . .	768
CAPTURE OF ISLAND NO. 10 . . .	768
ENGAGEMENT BETWEEN THE MONITOR AND MERRIMAC . . .	769











NORTH AMERICA.

Scale of English Miles

0 100 200 300 400 500

90 Long's West of Greenwich





# HISTORY

OF THE

# UNITED STATES OF AMERICA.

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## BOOK I.

HOME AND FOREIGN AFFAIRS DURING THE ADMINISTRATION OF MADISON;  
AND THE SECOND WAR WITH GREAT BRITAIN.

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### CHAPTER I.

THE SOUTHERN STATES AND TERRITORIES.—LOUISIANA.—ALABAMA.—WESTERN FLORIDA AND TEXAS  
INVADED BY FILIBUSTERS.—THE BALTIMORE RIOTS.—STATE CONTESTS.—LAND CLAIMS.—INDIAN  
RELATIONS AND WARS.—EFFECTS OF THE WAR.—SLAVERY.

DURING the period now before us, the policy of the southern states, which we have called Republican, or Democratic, not only retained its ascendancy, but secured for itself the triumph by which it had long been seeking to celebrate its victory over Federalism—a war with Great Britain. At what cost to its trade and internal development generally this was achieved, will be shown here; of the peculiar and characteristic triumph itself, we speak in another place. We shall see that though much of the energy and power of these states was wasted in the carrying on of hostilities; there was yet a sufficient surplus to ensure some progress, though not such as was seen in the northern states, where the very resistance of the passion for war was a step in advance, which could not at the time be accurately measured. We shall also discover that the indulgence of the spirit which bred the war, was not productive of mischief alone in this the widest, and in certain senses the most important section of the Union. We begin with the larger signs of progression, which are presented to our notice in the final organisation of the state of Louisiana, and in the erection of the territories of Missouri and Alabama.

No sooner was the government of the United States established in the possession of the immense tract that once constituted the best part of New France, than settlers began to make their way thither. But not in such a steady and strong current as we have seen flowing into the lands beyond the Ohio, and about the upper Mississippi. The great distinction between the slave

states and the free showed itself herein very notably. In the latter, every man is proud of his personal independence, and relies upon his own right arm alone, for the performance of whatever tasks may be required to sustain his life, and improve his lot. In the south, men are proud of the numbers of their human chattels, and exert themselves severely only to compel their slaves to perform for them what a very little more toil, well-directed and conscientiously maintained, would accomplish; without entailing upon themselves and their thralls the degradation, and all the other ills, which are the invariable and common doom of both slaves and masters in such communities.

In Kentucky we see at the outset most of the energy and self-helpfulness which characterises the northern emigrants. But near the tropics, there were few who could purchase land who were not already located with their "families" (as the Romans called them) of negroes round them. And the purchase of land, to clear, and till, and bring into cultivation, by his own vigorous and manful toil, was a form of speculation that never entered into the southerners' heart or head, even in reverie. So it befell that the most valuable part of the vast addition to the United States' territories, made by the good fortune and unscrupulousness of Jefferson, was but slowly occupied by the descendants of the Anglo-Saxon race. And not till 1812 did Louisiana receive the covenanted admission into the general confederation.

This delay was not, however, wholly owing to the cause we have mentioned. When the proposal was first made in Congress to empower the inhabitants of the territory of Orleans to frame a constitution for themselves as a state, which should then be admitted into the Union (and this occurred in 1810), the most resolute opposition was offered by the representatives of the northern states; who rightly enough feared such an increase to the already overbearing slaveholding and anti-commercial interests; and who were unwilling to lose so fair an opportunity of using, against their successful rivals, those dogmas of the inviolability of the constitution, and the absolute need of interpreting it with the strictest literalness, which Jefferson had invented, or at least employed with such power to their disadvantage.

And when, in the following session, a bill was brought into the house to secure those ends which we specified, Quincy with great force retorted upon the Democrats all the arguments which they had formerly hurled at the heads of the Federalists, when they were carrying on the development of the instrument of government in their way.

How vital this question, which arose to appearance in so casual a way, was, much of what we have already related has shown. For it was this proposal which furnished to the "Essex Junto," as John Adams called the old Federalists of Massachusetts, and to their adherents in other parts of New England, the ground on which they acted when they agitated the question of secession from the Union, and called and held the "Hartford Convention."

It has been by such things, instead of the interchange of mutual help and courtesy, that, from the very commencement the interdependence of the different states of the Union has been expressed. So radically antagonistical, and so embittered in their endeavours to realise their mutually destructive purposes and political theories, are the northern and the southern sections of the United



States. In what degree this antagonism subserved the common weal of the country, we have in part seen, and shall discover more clearly as we advance with our narration; but that it has been noxious to a far greater extent, there can be no doubt; nor can there be much question that it was the most formidable of all dangers that threatened the future of America.

An act was passed, in spite of all the opposition which the Federalists could offer, on the 11th of February, 1812, to enable the inhabitants of Louisiana to form a constitution and state government, if such should be the will of the people signified by the calling of a convention; conferring upon the free white male taxpayers, votes for the choosing of delegates to such a convention; and ordaining the adoption of trial by jury in criminal causes, and of the English language in all official business, &c. This was the embodiment of the democratic state-rights, or popular-right, principle, as understood at this time.

This projected convention was held in the month of November following, and a constitution framed, which chiefly followed that of Kentucky as a model. The legislative power was vested in "the General Assembly," consisting of a Senate and a House of Representatives; the latter to be elected bi-annually, and not to exceed fifty, nor fall below twenty-five in number; the Senate chosen for double that time, one senator by each of sixteen districts, into which the state should be divided, half of them retiring every two years. The executive power was committed to a governor, to be chosen by the General Assembly, by joint ballot, from the two who should receive the greatest number of votes from the people. The judges were to be appointed by the governor, aided by the Senate, and to hold office during good behaviour; the power being vested in a supreme court with appellate jurisdiction only, and inferior courts established by the legislature. Citizenship was accorded to white males twenty-one years old, having resided for a year before any election in one county, and paid a state-tax in the next preceding six months. On the 22nd of January, 1812, this polity was unanimously adopted. William C. C. Claiborne, who had been territorial governor for eight years, was elected first state governor: and senators and a representative were chosen for Congress, which admitted the new state into the Union on the 8th of April.

Eastward of the Mississippi, the increase of the population proceeded at a more rapid rate, and before the close of 1816 the inhabitants of the Mississippi territory were ascertained to be, including slaves, about seventy-five thousand. Application was therefore made to Congress for leave to form a state constitution, which had been done once before without result; and on the 21st of January, 1817, Congress assented; an act to the effect of the petition of the territory passing on the 1st of March. By this act the eastern limit of the proposed state was defined to be a line drawn direct from the mouth of Bear Creek, on Tennessee River, to the north-western corner of Washington county on the Tombigbee, and thence due south with the western limits of that country to the sea. The full admission of this state, as well as the formation of the constitution, belongs to a later period, and will be mentioned then.

"In the year 1810," says Monette, "the number of people in the territory of Louisiana had, in six years, increased to nearly twenty-one thousand souls,

including nearly three thousand slaves. Of this aggregate population about fifteen hundred were within the limits of the present state of Arkansas; the remainder were comprised chiefly within the confines of the present state of Missouri." "By the following year," continues the same writer, "the frontier population had extended sparsely, and at remote intervals, to the distance of nearly sixty miles west of the Mississippi river, but chiefly near the military posts on the frontiers, and around the old French villages. Many new settlements had opened since the relinquishment of the frontier lands of the Indians, agreeably to the treaty of Fort Clark; and the territory had increased its population, until the number justified the organisation of a representative territorial government."

"Louisiana" was now the name of the state erected in the place of the former territory of Orleans; in entering upon the second grade of political pupilage, therefore, the territory of Louisiana adopted the name of Missouri. An act of Congress was passed on June the 4th, 1812, by which this new state of things was established; and the thirty-third and forty-first parallels of latitude were fixed as the northern and southern boundaries of the territory; whilst "its western limit was the Indian and Mexican territories in the remote west, five hundred miles beyond the Mississippi." St. Louis became the seat of the local government, and the head-quarters of the governor, who was also constituted "superintendent of Indian affairs."

General William Clarke was the first who held this responsible post. Edward Hemstead was the first delegate to Congress. The first territorial assembly consisted of a "legislative council" of nine members appointed by the President, and a House of Representatives elected by the people in the ratio of one to every five hundred free white males.

"Under the new state of things," says Monette, "the number of people on the upper Mississippi began to augment rapidly, by the advance of the Anglo-American emigrants from the western states and territories. The language, manners, customs, laws, and usages of the American people began to extend over the French settlements, and to change the aspect of the country. Yet, so late as the year 1814, St. Louis had not lost either its French population aspect, or usages. Up to the year 1815 it was a French town, extending along the river in long, narrow, and sometimes filthy streets, lined with frail wooden tenements, contrasting strongly with the few large stone houses, plastered and white-washed, near the river, and the romantic circular stone forts in the rear, also white-washed with lime."

We must quote a few more paragraphs from this writer, whose valuable work gives us so lively a picture of the outpouring of the flood of emigrants from the states to the east of the mountains, over the great western valley; and of the various turns of fortune which marked the change of that rich and extensive region from a mere battle-ground between savage foemen to the finest cereal country in the world.

"The whole north-western frontier," he says (and it must be noted that we have not found it practicable strictly to observe the line of demarcation between the tracts that furnish the subjects of this chapter and the last), "was involved in open war with Great Britain and her Indian allies [of



which sufficient will be said in the proper place]; and the French population, still wedded to their ancient laws, manners, and customs, seemed to consider themselves as a neutral party, equally exposed to two enemies, and scarcely able to choose between them a protector."

"About the close of the year 1815 a new impulse was given to emigration west of the Mississippi. The war had terminated; the north-western tribes of Indians had been humbled and pacified, and were now on terms of friendly intercourse with the American people. The American settlements began to extend rapidly, and literally to overrun those of the French in their course. And the French, being gradually weaned from their partiality for a wilderness life, for Indian associates, and Indian trade, began to entertain a common feeling, as American citizens, with their new neighbours who had settled amongst them."

"Adventurous pioneers,"—he had before spoken of the "valuable" class of immigrants who came from Kentucky and Tennessee; men who, in fact, had in them far more of the spirit of the north than the south,—such "pioneers, before the close of 1816, had advanced into many portions of the present state of Missouri, between eighty and ninety miles west of the Mississippi river, and at many points on the Missouri, two hundred miles above its mouth." And thus, west of the St. Francis, and upon the waters of the White River, the settlements continued to grow both in number and extent, until in 1817, when the administration of Madison ended, the population bordered upon sixty thousand, "*including a large number of slaves.*"

The delay spoken of above, in sanctioning by act of Congress the erection of the state of Mississippi, arose from the necessity of obtaining the consent of the state of Georgia to a division of the territory called by that same name into two parts. A consent which, we think, ought not to have been so delayed, since the interests of the south would in the end certainly gain thereby two votes in the Senate, and all the other advantages of an additional individual sovereignty to count and to act on their side. But ultra-conservatism never did know at what point to give up its resistance to movement.

In consequence of this, it was not until two days after the passage of the act in behalf of Mississippi, the last day of the existence of this Congress, and of the administration too, that the eastern portion of the territory was erected into a separate territorial government, under the name of Alabama. The act specially enjoined that all offices which might exist, and all laws which might be in force within the territory at the time of its passing, should continue to exist and be in force until otherwise provided by law,—an illustration of the ingrained love of order and reverence for law which is so characteristic a feature of Anglo-Saxondom in every clime, all other tendencies notwithstanding.

But we are forgetting the old states, in which conservative (or rather obstructive) Democracy throve as strongly, if it did not express itself so vehemently as in the new states. Let us see how matters proceeded in Virginia:—Jefferson's biographer shall introduce us to such knowledge of this as is needful now.

"Ever since the adoption of the constitution of Virginia, in 1776," he says, "there had been opposition to it, which had been incurred by the objections

urged against it by Mr. Jefferson, in his 'Notes.' One of the strongest grounds of complaint was the inequality of representation which it sanctioned, as every county in the state was represented by two members, while the population of some was ten times as great as that of others; and the small counties lay chiefly in the tide-water district. There had been repeated efforts to call a convention to revise this instrument, but the power which was complained of had been sufficient to defeat a measure by which it would certainly be abridged.

"But in 1816, the western counties having been disappointed in obtaining charters for certain banks which had come into existence during the war, after the chartered banks suspended cash payments, and thinking that the measure would have succeeded if they had had their just weight in the legislature, they invited a convention of delegates for the purpose of taking measures to bring about a revision of the constitution. Mr. Jefferson, who had always (on principle) favoured this step, gave it his hearty support, and forgetting his party feelings on this occasion, or rather conceiving that they should have no influence in choosing the two deputies to the proposed convention at Staunton, voted for one Federalist and one Republican. His example was followed by most of the other voters."

We will not in this place anticipate the course of history, by pointing out the measures which were adopted when (after an interval of above ten years) this constitution was actually revised; it will be enough to say that the present attempt was unsuccessful. Nevertheless, we may properly insert a passage from one of Jefferson's letters, written now, which will not only show us what were the feelings of a certain class of Virginian politicians, but also why they felt as they did, upon this subject.

He is writing to Colonel John Taylor, of whom we have heard before, in acknowledgment of a pamphlet by him upon American governments; and he says;—"The purest republican feature in the government of our own state, is the House of Representatives. The Senate is equally so the first year, less the second, and so on. The executive still less, because not chosen by the people directly. The judiciary seriously anti-republican, because for life; and the national arm wielded, as you observe, by military leaders, responsible but to themselves. Add to this, the vicious constitution of our county courts (to whom the justice, the executive administration, the taxation, police, the military appointments, of the county, and nearly all our daily concerns are confided), self-appointed, self-continued, holding their authorities for life, and with an impossibility of breaking in on the perpetual succession of any faction once possessed of the bench. They are, in truth, the executive, the judiciary, and the military of their respective counties, and the sum of the counties makes the state. And add, also, that one half of our brethren who fight and pay taxes are excluded, like helots, from the rights of representation, as if society were instituted for the soil, and not for the men inhabiting it; or one half of these could dispose of the rights and the will of the other half, without their consent."

Jefferson did not possess the manfulness and truth to go a step further, and to say—There are, too, four hundred thousand of our fellow-creatures, from whom not merely the comparatively paltry "rights of representation" are withholden; but, "without their consent," personal freedom, nay, personality itself is taken away, and that by a fundamental law of this state; and who are



regarded and treated as "chattels personal" only, except that in apportioning the representatives of the state in Congress, each one of them is reckoned as "three-fifths" of a human being! But although this same fact was the most monstrous of all the evils and errors of the political constitution of Virginia, and of others of its confederated states, on both sides of it; although it was an error and an evil which the state legislature, or a convention summoned for the purpose, could most properly have dealt with; and although Jefferson had in the enthusiasm of the year of independence, and his share in the declaration of it, maintained something like this,—he dared not now so set himself against the will of the majority, as any word breathed against this "domestic institution" (as it is pleasantly named) would set him.

It was not in hostility to such a thing that Jefferson appears to have ever cared to place himself. He preferred that cheaper warfare, in which more applause was to be won, of attacking the "monopolies of county administration." "I knew a county," he assures the same correspondent he was addressing before, but in a subsequent letter, "in which a particular family (a numerous one) got possession of the bench, and for a whole generation never admitted a man on it who was not of its class or connection. I know a county now, of one thousand and five hundred militia, of which sixty are Federalists. [How truly lamentable!] Its court is of thirty members, of whom twenty are Federalists,—every third man of the sect. There are large and populous districts in it without a justice, because without a Federalist for appointment: the militia are as disproportionally under Federal officers. And there is no authority on earth which can break up this junto, short of a general convention."

During the administration of Jefferson we saw how some audacious adventurers who had settled in the district of Baton Rouge, and other parts belonging to the King of Spain, adjacent to the United States' territories, took encouragement from the President's interpretation of the treaty by which Louisiana was secured to the Union, and attempted by force to dispossess the Spaniards of those tracts of country. The number of Americans, most of them of the backwoodsman class, who had settled there by the beginning of Madison's administration was greatly increased, and they marvelled the more as their numbers grew, that they were subjected to Spanish laws and institutions in Spanish territory, notwithstanding that they were American citizens.

Monette avers that they were "grievously disappointed," because the line "re-established under the treaty of Madrid" excluded them from all the advantage of citizenship. But he elsewhere tells us that after they had endeavoured to decide that boundary question by arms, and had failed, and the United States' government had testified to its genuine understanding of the matter by not espousing their quarrel, many emigrants "took up their residence within the Spanish limits, carrying with them no small degree of repugnance to the Spanish authority, of which they gradually became more and more impatient."

This statement exactly represents the character of the proceedings of these adventurers and their attempt. And it becomes us very carefully to note the uprising of this class of men; because, on more than one occasion since, the government of the United States has been in danger of being committed to the

prosecution of a war of mere brigandage, through such attacks upon the authorities of other powers as these. And in some instances, as in the one now under consideration, it did commit itself to the completion of the work which the filibusters began.

Properly, this passage belongs to the "foreign affairs" of Madison's administration, but the incidents are so essentially southern in their character, that we will relate them in this chapter, and refer to them only casually in the next book.

"The summer of 1810," says Monette, whose sympathies always flow forth to whatever is Democratic (in the party sense of that word), "presented a favourable opportunity to renew the attempt," which we have spoken of, to throw off the Spanish yoke. "The garrison at Baton Rouge was at this time reduced to a mere detachment of troops, too feeble to offer any serious resistance to a vigorous revolt. Under these circumstances the people of the settlements near the Bayou Sara took up arms, and having formed themselves into a company, were soon reinforced by volunteers from the Mississippi territory. This force, under the direction of daring leaders, took up the line of march from Baton Rouge. The garrison at that place, unable to offer any effectual resistance, surrendered at discretion. The troops and the civil authorities were permitted to retire peaceably to Pensacola."

In a note, this historian furnishes us with a passage from a New Orleans newspaper, of the year 1846, which affords us a very graphic picture of the social state and political morals of the men who planned and carried out this expedition.

"The patriot forces of the Baton Rouge district," writes the able editor,—meaning the intrusive Americans, who were now in revolt against the constituted powers of the country they had been permitted to settle in,—“were commanded by two intrepid men, both inveterate in their hatred of the Spanish authorities. The expedition against the Spanish post of Baton Rouge was organised near St. Francisville. Captain Thomas led about eighty riflemen from the pine-woods, and rendezvoused in the plains south of Baton Rouge; and Captain George Depassau headed about forty of the St. Francisville dragoons and advanced to the attack. The Spanish garrison, about one hundred and fifty in number, was drawn up within the gates to receive the cavalry as they advanced. Dashing in among them, Captain Depassau demanded of them the surrender of the fort. Alarmed at his reckless daring, the garrison retired to the guard-house, where they were rallied by the commandant, Colonel de Grandpré. Captain Depassau demanded of him the surrender of the fort, when he ordered his men to fire. At the same instant, Grandpré was shot down and Depassau charged the Spaniards, who, at the same time, hearing the war-whoop from Captain Thomas and his riflemen, who were rushing in from the northern gate, called out for quarter, and surrendered. The town soon followed the example of the garrison, and the Patriots took possession of the whole country south of the line.”

"A provincial government," continues Monette, "was established, and a convention ordered, which was to consist of delegates from the different settlements, for the formation of a constitution, preparatory to the adoption of a



state government." Accordingly, towards the end of the following September, this remarkable, extemporised, legislative body assembled at Baton Rouge, and on the 26th of the month, "after a full discussion of the political condition of the country," a declaration of independence was adopted.

History has mutely wondered at the perfectly sublime audacity of such measures as this. When the United States—a Hercules in the cradle—makes demands of France and Great Britain, which in Europe the most powerful states would scarcely presume to make of those second in rank, we may, perchance, explain the fact by the fore-feeling of greatness, which ever expresses itself in similar ways. But no explanation worthy of the historic page can be offered of a circumstance like this,—Some hundred and twenty men make a descent upon the more numerous but unprepared garrison of a small fort in an obscure corner of America, and having, by the swiftness and suddenness of their swoop, carried the fort, they straightway, like the characters in a pantomime, doff their martial gear, lay aside their military dash and war-whoop, and sit down to erect a polity for the tract they had won by speed, and noise, and a solitary pistol-shot. There these hundred and twenty men, with certain others—*personæ mutæ*, as the old plays have it—gravely establish a new and independent state! They do not ask what Spain may say, though she cannot be supposed willing to lose provinces, however small, in this style every day. They do not ask what the self-appointed conservators of the "balance of power" in Europe (whose functions, through colonisation, extend to the ends of the earth) say. They declare themselves independent, and leave consequences to follow their own course. This, surely, is even more than sublime!

Nor is this all. The devisers of the revolt, the actors in it, and the extemporised legislators, are all Americans, and it was the privation of American liberty which excited them to their exploit. Nevertheless, as if every man amongst them was born a diplomatist and statesman, they adopt the most correct formalities, and keep out the possibility of legal objections to the results of the course they have chosen. In the declaration they "recited their former fidelity to their legitimate sovereign, the King of Spain, which had been manifested by repeated instances of devotion to the royal government, while any hope remained of receiving protection to their property and lives;" and stated, "that they had voluntarily adopted certain regulations, in concert with their chief magistrate, for the express purpose of preserving the territory, and showing their attachment to the government which had heretofore protected them; but measures intended for their preservation were, by the governor, perverted into an engine of destruction, by a most perfidious violation of ordinances sanctioned and established by himself as the law of the land. They, therefore, declared themselves absolved from all allegiance to a government which no longer protected them, and declared 'the territory of West Florida a free and independent state.'"

The same extraordinary deliberative body framed a constitution and organised a government, and bestowing upon the country they had seized the designation of the state of Florida, they appointed Fulwar Skipworth, whom we knew in the times of the "X. Y. Z." affair, governor. It also made formal application, through the governor of the Mississippi territory, to the secretary of state, for admission

into the Union, backing its application by the assurance that otherwise their "weak and unprotected situation would oblige them to look to some foreign government for support, should it be refused by the country which they had considered as their parent state." But they suggested to Congress the alternative of annexing their "state" to one of the adjacent territories, and they requested a loan of 100,000 dollars, "upon the guarantee of the public lands."

On the other hand, the Federal government did not display any forwardness to treat with this "independent state." As Monette assures us, it "had never ceased to regard this part of West Florida as properly a portion of Louisiana, ceded by the treaty of Paris. The continued occupancy of the Spanish authorities had been permitted only from a conciliatory policy toward Spain, in hopes that his Catholic Majesty would ultimately yield possession by amicable negotiation; but now the dominion of Spain had been renounced by the people themselves, and Congress, deeming it expedient for the good government and tranquillity of the country, directed the President to take immediate possession and extend over it the authority and jurisdiction of the United States."

Madison, therefore issued a proclamation on the 27th of October, 1810, announcing that William C. C. Claiborne, governor of the territory of Orleans, was empowered to take possession of the so-called state of Florida, in the name of the United States, and to incorporate the people there with those already under his rule; the constitution, state organisation, and governor, appointed by "the people themselves," being quite overlooked, or pushed aside, by this zealous-for-state-rights administration, which shows us the real nature of the whole transaction. And about the 7th of December following, at St. Francisville, Claiborne, aided by a detachment of militia and a volunteer troop of cavalry furnished by Governor Holmes of Mississippi territory, "raised the flag of the United States, in token of possession."

"Soon afterwards," continues our author, "all that portion of West Florida known as the Baton Rouge district, extending eastward to Pearl River, was by act of Congress annexed to the territory of Orleans, and finally became incorporated within the limits of the state of Louisiana." How the remainder of West Florida was taken possession of by the United States, we will relate in the next Book; but may mention here, that it was, as far as the line of the Perdido River, by another act of Congress annexed to the Mississippi territory.

Very similar to this in essence, but from various causes spread over a much larger space of time, and in its progress drawing far greater attention to it, was the filibustering attempt upon Texas. It commenced about the time of the outbreak of "the second war," when bands of "brigands" (as they would be called, had they not been of Anglo-Saxon race, and citizens of the United States) began to settle in the limits of that Spanish province, with the avowed intention of riving it from the empire of Spain. The convenient devise of a revolt, with all the professions implied in the "declaration of independence" by West Florida, was of course adopted; and armed vessels appeared off the coast to co-operate with the "Patriots." Presidential proclamations were, also, of course, launched against them; but they were of necessity an empty form, since at the same time, as we shall see, the government was proposing to extend its frontier on the Gulf of Mexico, westward; and had seized, and did not mean



to give up, West Florida. Some further notice of these affairs, and of other matters akin to them, must be reserved for our account of the foreign relations of the Union during this administration.

In the course of Madison's second presidency, as we related in the last book, an act of Congress provided for the liquidation of the notorious Yazoo claims. The New Englanders, who had bought up these claims, finding Congress powerless, or unwilling to see them put in possession of their rights, turned to the law-courts. Why they did not go thither at first we cannot understand; but in 1810, one case was tried in the Supreme Court of the United States, and as the breach of contract was fairly made out, the decision was in favour of the purchasers of the original titles to the disputed lands. More suits were immediately commenced, and the southern men found themselves threatened with that species of hostilities which of all they most abhorred—contests in law. It happened too that the administration felt it very needful to propitiate the democrats of New England, some of whom were found amongst the Yazoo claimants; for the disaffection in New England had risen high, and spread far; and if these men were democrats, they were also, and much more, New Englanders, and might make common cause against the government which did not wisely discriminate between friends and opponents.

Notwithstanding which, the passage of the bill was strongly opposed in the house, and passed after all by a majority of no more than eight votes. 8,000,000 dollars' worth of scrip, which might be paid in purchase of Mississippi lands, and would be redeemed as the sale of those lands enabled the government to do so, were issued. No interest was paid on this scrip: and Georgia was to be repaid before the scrip-holders who did not purchase lands. The speculation was, nevertheless, profitable enough to the purchasers of claims.

Much of the land in the southern part of the Union was still in the hands of the aborigines; and greater advances in civilisation seem to have been made by them, than by the Indians of the north-western quarter of the Union. But here, just as in the latter region, the encroachments of the whites, and the growing adoption of their customs, had inflamed to fanaticism the conservative feeling of the less intelligent and more ferocious chieftains; and there was wanting only the genius of a Tecumseh to light up the fires of savage war. No southern Tecumseh or Elskwatawa appeared; but the great chief of the Wabash himself came, and used his marvellous eloquence and power over such men as the children of the forest were, to induce the Creeks and other southern tribes to join his grand general confederacy, to recover from the usurping white men some portion at least of the territories of their forefathers.

Southern democracy, as well as the democracy of the north, could see in Tecumseh, from the first, only a tool of the British; and the hostility of the Creeks is explicable to it upon no other principle than that British agents had stimulated it. It is useless to argue against these assertions; we shall content ourselves with relating the events barely, as they occurred, leaving the proof of the hypothesis, that British arts alone originated the Creek war, to those who please to maintain it. The part taken by Tecumseh and his brother will be noticed, and the date of their visit; by which means the full extent of the connection between the Indian rising and the war with Great Britain will be

perceived. The discussion of the general question of the employment of the Indians as allies, we will reserve until we speak at length of the war itself. And now we will relate the story of the hostilities with the Indians.

"The Creek nation," says Ingersoll, "twenty-five thousand strong, inhabited a region of surpassing fertility, salubrity, and beauty, from the southern borders of Tennessee, between the Chattahoochy and Coosa rivers, as far south as near the Florida line." Some of them were half-breeds, and amongst them and their neighbours were not a few who had learned rightly to estimate the arts of civilised life, and who perceived that war with the Americans could not be successful, and might bring destruction upon their nation. These resisted the endeavours of Tecumseh with great energy, and strove to dissuade their fellow-tribesmen from joining in his perilous and perfectly hopeless scheme. Nevertheless, his influence amongst the younger men, who were there, as everywhere else, ready for anything new, was very great, as the following anecdote will show.

When he appeared at Autauga and Coosawda, in the present state of Alabama, after many delays, a great council was convened, and he made his customary proposals for a confederacy to compel the whites to give up the lands, &c., which they had acquired from the Indians. "Big Warrior," a famous chief there, opposed him, and with such effect, that Tecumseh, irritated, shook his finger at him menacingly, and said, "*Tustinugee thlucco*,—your blood is white. I will go to Detroit: when I get there, I will stamp with my foot upon the ground, and shake down every house in Tookabacha." And he went away. Some short time afterwards, one of those slight earthquake shocks which are occasionally felt in that region happened; and the Indians, hearing the deep subterraneous mutterings, and perceiving the trembling of their dwellings, ran out, crying—"Tecumseh has got to Detroit! we feel the shake of his foot!"

Ingersoll records another fact which is deserving of our attention; particularly as it indicates the want of friendship for Britain which generally characterised the Indians after the revolutionary war. "To-cha-lee and Chulioa, chiefs of the Cherokees," he tell us, "published in behalf of the Cherokee nation an address, prepared in council at Highwassee, the 6th of March, 1813, 'to the citizens of the United States, and particularly to the good people living in the state of Tennessee, North and South Carolina, Georgia, and Mississippi territory,' in which they said—'in former wars, the Indians were of necessity under the influence of your enemies. We shed our blood in their cause. You compelled them by arms to leave us, and they made no stipulation for our security. After years of distress we found ourselves in the power of a generous nation. [Could it be, that some agent of the United States acted as secretary to the council at Highwassee; or is the translation a little more warmly coloured than the original?] You forgot the past, established our boundaries, provided for our improvement, and took us under your protection. We have prospered and increased with the knowledge and practice of agriculture and other useful arts. Our cattle fill the forests, whilst wild animals disappear. Our daughters clothe us from spinning wheels and looms. Our youth have acquired knowledge of letters and figures. All we want is tranquillity."



The occasion for this profession of confidence in, and gratitude to, the United States, will soon appear. Our readers must recall the facts related in the former volume respecting the movements and designs of Tecumseh. And especially, that it was not until after the overthrow of his settlement at Tippecanoe, by the defeat which his brother experienced, in consequence of his ill-conducted night attack upon Harrison, that Tecumseh joined himself as an ally of the British; in which character, moreover, he did not appear until after war had been formally declared by Madison.

It was in the autumn of the year 1812 that the great orator and warrior appeared again in the Creek towns, not to tell the dusky southerners of impracticable confederacies, and the resumption of old and half-forgotten habits and rites of the Indian races, but to arouse them, if he could, to war. All the smouldering passions of the savages, who cherished the traditions of the times when as yet no hated "pale-faces" had trodden the western continent, and who despised the effeminacy of the recreants whom the fascinations of those "pale-faces" had won to emulate their mode of life; all the petty feuds which were sure to exist in communities composed as these were; everything that could be employed by one skilled as he was, was turned by Tecumseh now to this end, that by attacking the United States in the south, whilst he and his allies, the British, attacked them in the north, he should attain his personal revenge, even though he might never hope to wreak upon these foes of his race the vengeance he had desired to inflict on them for all the wrongs, real and imagined, which they were guilty of, in his sight, towards his ancestors and the forefathers of the other Indian tribes.

One of the half-bred Creeks, who was of the peace party, for he had acquired some wealth by the adoption of the manners of civilised life, about a year afterwards (a circumstance which must be noted as abating the claims of his statement to credibility in every particular) deposed, before one of the United States' judges in Mississippi territory, to the following effect:—

That near the end of October, in the year 1812, Tecumseh, with some thirty northern Indians, attended the council of the Creeks, at Tuccabache, and said he had been sent by his brother, the Prophet; whence it appears that they err who say that the Prophet was one of this embassy. That he would not "deliver his talk" for three days, during which this half-bred Indian,—Samuel Manac was his name,—was there, but on the day after he left Tecumseh did speak; and so this deponent could say nothing of what the ambassador had actually spoken. But he could assert that, *post hoc* (and so, why not, *propter hoc*?)—"it was not until about Christmas that any of our people began to dance the war-dance; the Muskogees have not been used to dance before war but afterward; at that time about forty of our people began this 'northern custom;' and my brother-in-law, Francis, who also pretends to be a 'prophet,' was at the head of them."

The war party rapidly grew in power and in violence. Indian customs were revived, ancient legends were repeated, newly-invented predictions were circulated. "The party in favour of civilisation, sustained by the principal chiefs, the United States' agents, and by the missionary influence, resisted the efforts of the hostiles, until they were finally overwhelmed by increasing

numbers." Solitary outrages against the frontier settlers were heard of again; and the legislature of Tennessee, alarmed at the numerous murders reported to them, after demanding the perpetrators, gave their authority to the governor to call out ten thousand militia, and make war upon the Creeks even to extermination, unless they were given up. And this, too, notwithstanding that it was a violation of the constitution for an individual state to make war at all, and Tennessee was one of the most democratic of states, and therefore pledged to the most liberal and exact interpretation of the constitution; so great was their horror and indignation!

"At length," we learn from Monette, "the hostile Creeks conceived a bitter enmity to the ruling chiefs of the party in favour of peace and civilisation. A rebellion was fomented against their authority, because the friends of civilisation were the friends of peace; they were denounced as the enemies of their country, and confederates of the white man for the extinction of their nation." Monette does not remark, what we cannot fail to see, that the Creek war party, in all this, only copied (*mutatis mutandis*) the denunciations of the democratic war party in the States against the Federalists. He proceeds:—"If so, they deserved to die, and each hostile warrior conceived himself the chosen instrument to execute the sentence." They had not heard of the slow forms of trials, nor of the guillotine, which some of their exemplars in the United States had recommended.

"The opposing parties at length became organised under their respective leaders, and a civil war commenced;" and now the inferiority of the appliances of savage man to those possessed by man civilised were made apparent. "At the head of the peace party was the 'Big Warrior,' one of the legitimate chiefs; at the head of the hostile party was the 'Little Warrior,' a violent and sanguinary man. Acts of violence ensued, and several of the friendly chiefs were murdered in cold blood. As the hostiles gained strength they proceeded to new acts of violence; regardless of the legitimate authorities, they deposed and put to death the friends of peace, until the nation was involved in general bloodshed. The war party at length prevailed, and all opposition was suppressed by arbitrary force.

"Parties of hostile warriors began to assemble in various parts of the Creek nation, with the avowed purpose of commencing hostilities against the white settlements of the Mississippi territory, and of Georgia, and Tennessee. Emissaries were employed in efforts to induce the Choctaws to unite with them in the general league, Tecumseh having been unsuccessful in his efforts amongst the chiefs of that nation." In these efforts, it appears, they failed. Mushulatubbe, and other Choctaw chiefs, succeeded in preserving the nation's loyalty to the United States unsullied.

Throughout the white settlements on the Tombigbee and Alabama rivers the liveliest alarm prevailed, and a brigade of nine hundred volunteers and militia was organised by Governor Holmes, to quiet the apprehensions of the settlers, and at the same time to afford them protection, in case of an attack. The settlers also took refuge in their forts, which resembled the strongholds we described in the earlier history of the north-west territory, and were erected all along the Alabama river. But Colonel Hawkins, the Creek agent, who, instead



of attending to his proper business, was indulging in the gaieties of New Orleans, and who could, therefore, know nothing at first hand, of the disposition and plans of the Indians, stoutly denied the existence of any hostile party in that nation, and possessed with the same vain confidence the mind of General Flournoy, commander-in-chief of the seventh military district, who had two or three full regiments of United States' regulars under him, in cantonments at Washington, Baton Rouge, and New Orleans, and took no measures at all to check the incursions of the Indians, or allay the alarm felt by the settlers.

Little Warrior is said by Judge Toulmin (who took the deposition of Samuel Manac), to have gone on an expedition to the north to co-operate with the red men there. After his return he was put to death, for what reason does not appear, and the conduct of hostilities was then taken by a half-bred chief, named Weatherford, who also claimed to be regarded as a prophet, and by a chief named M'Queen.

Ammunition was obtained from Pensacola, and Toulmin has the candour to admit that the evidence of its being supplied by the British was incomplete. "The Little Warrior was furnished with a letter from a British general to the governor of Pensacola, containing, as they say, a requisition for arms and ammunition, and as he says, merely an introduction and recommendation of them to his notice." In order to complete the story of a Spanish governor furnishing great stores of arms and ammunition ("five horse-loads for every town") to the Indians, at the requisition of a letter from a British general, borne across a continent, and delivered by one who obtained possession of it by chance, Monette, and others before him, endeavour to connect with it the cruising of the British fleet in the Gulf of Mexico. It "had made its appearance," he says, "several times off the coast of Florida, whence vessels had been despatched to Pensacola and to other neutral ports in East Florida, to discharge supplies for their savage allies, together with munitions of war, and emissaries to superintend their distribution, and to expedite the hostile organisation of the Creek nation." But here, as in so many places, proof is wanting. General Claiborne, who commanded the brigade raised by Governor Holmes, and was, therefore, on the spot, although he thinks "there can be no doubt" that "the British in Canada" were the cause of all this trouble, and informs the governor of Georgia that "it was stated to him" that Little Warrior had "written orders" such as we have heard of before, when speaking of his certain knowledge only, says—and the whole passage deserves attention in this view:—

"When we are at war with a savage nation, who are thus able to procure warlike supplies from the Spanish government, immediately on our borders, and which enables them to commit depredations on our frontier, and to support a contest with our troops at great expense to our government, sound policy would dictate that such dispositions should be made as would effectually destroy these resources. This can only be done by taking possession of Pensacola, and such other places in East Florida as border on our lines." All which places were Spanish, and, as we shall see, had long been marked for the purpose General Claiborne suggests.

Amongst the stockaded forts on the Alabama, was one named Fort Mimms, to which Claiborne had sent Major Beasley, with a hundred and eighty men.

The inhabitants of the Tensas settlement were collected there, and had a not scanty proportion of good rifles amongst them, of course. Subsequently, Claiborne despatched orders to Beasley, "urging him to the utmost vigilance and caution; requiring him to complete the block-houses, to strengthen the stockades, to respect the prowess of the enemy, and prepare for a vigorous resistance, and to guard against a sudden attack by employing scouts throughout the settlements."

Notwithstanding these instructions, which ought to have sufficed for a soldier, Beasley acted as if no danger was to be feared. Near the end of August, a negro made his appearance at the fort; he had been captured by the Indians, he said, and learned that they purposed to attack the post, and, having escaped, he warned the garrison of their intention. "Next day, a half-bred, and some white men, who had discovered the Indian trail, repeated the alarm; but none of these warnings was much heeded, although some preparation was made to guard against a surprise. Another negro, sent out to tend the cattle, reported that he had seen twenty Indians. He was chastised for misreport. A third, who afterwards saw other Indians, fearing the same unwelcome reception, went to Pierce's Mills, instead of returning to Fort Mimms.

"On the night preceding the massacre, the dogs of the garrison, supposed to have 'smelt the Indians,' by peculiar growling gave their instinctive notice of danger. Had the men been as watchful and (may it not be said?) wise as these animals, with instinct exceeding knowledge, they might have been prepared for the attack. A few did leave the fort and escaped. But nearly all remained in that strange confidence which often betrays to destruction. So far did this error go, that an officer was in the act of preparing to punish another negro for insisting that he had seen Indians, when, all at once, they appeared, contrary to their custom, approaching openly by day, about eleven o'clock in the morning, and had advanced through an open field one hundred and fifty yards, to within thirty yards of the fort, before they were discovered. So fatal was the incredulity of its doomed inmates! So well devised, bold, and fortunate the plan of their bloodthirsty assailants!"

"The gate too was open," proceeds Ingersoll, whose account of these preceding events we borrow. We could not find in the whole course of American history so complete and irrefragable a proof of the natural and inevitable tendency of that abominable "institution," which to maintain itself is driven to such devices as the statutory enactment of the untrustworthiness of a negro respecting matters of fact. Let us picture that officer in the act of preparing to torture with the whip the negro who had seen the foe approaching, and the red men in consequence, meanwhile, in broad daylight, advancing, unperceived, across the wide space round the fort within thirty yards of it, its gate being left open, and we shall obtain a new view of the effects of slavery. With what success could the Southern states attempt their threatened military defence of this part of their social system against the arguments of the rest of the civilised world, if this be the discipline it fosters?

Not until they were within thirty yards of the open gate were the savage warriors seen, and then, whilst the sentinel gave the alarm, the Indians answered with their horrible war-whoop and rushed into the fort. Every man who could



fight seized his weapon and rushed to his post. The first struggle took place at the gate, and the slaughter was dreadful. Beasley himself, shot through the body, was one of the first victims. Crowds on crowds of Indians pressed to the attack, driving in, by mere numbers, the vainly brave garrison, whose immoveable security had betrayed them to the enemy. For some hours the fight literally raged. It was a hand-to-hand combat; bayonet, sword, and clubbed-rifle clashing and colliding with tomahawk, scalping knife, and war-club. The defences of the white men were fired, they were shot down from without, and encumbered by the women and children, and other non-effectives who had taken refuge in the fort, they were, in spite of the most desperate valour, completely overpowered.

At length, about five in the afternoon, the few who survived, not one of whom was without a wound, and several had received more than one, gathering the guns of their fallen comrades, and throwing them, with the ammunition they could not carry, into the flames, resolved to force their way out. The upper part of the block-house, to which some of the women had retreated was rapidly consuming,—it was certain destruction to remain where they were,—perhaps they might succeed in fighting their way through the swarms of the enemy. Seventeen only, and notwithstanding their wounds, did succeed. Above three hundred and fifty persons,—including volunteers and militia, the ordinary garrison, refugees from the neighbourhood (twenty families and more), friendly Indians, and some hundred of negroes perished during the fight, or in the flames, or were put to death, after all resistance had ceased, with barbarities too revolting to be narrated. The entire number of those who escaped was under thirty. The scene presented to those who came to bury the dead, after the Indians had withdrawn, “exceeded all description.”

Seven hundred and twenty-five warriors were engaged in this attack, chiefly Creeks of Alabama, under the command of Weatherford. Nearly two hundred graves were found in the adjacent woods, testifying to the gallantry of the defence; although surprised and overpowered, it was on the part of the garrison, from the first shot a perfectly hopeless struggle.

This was a melancholy illustration of the effects of the civilisation which Jefferson in his Messages so often said was spreading among the native tribes. Gloom and consternation took possession of the whole south-western frontier. Every fort was crowded with fugitives, and Mobile, which General Wilkinson had seized in the spring, was now a most welcome harbour of refuge to multitudes, whom terror at the news of the tragedy of Fort Mimms drove from their homes. “Never in my life,” wrote a person who passed through this district a week after the massacre, “did I see a country given up before without a struggle. Here are the finest crops my eyes ever beheld, made and almost fit to be housed, with immense herds of cattle, negroes, and property, abandoned by their owners almost on the first alarm [another trait, of the ethics of slavery which ought to be marked, since it indicates the secret and underlying causes of much, in the condition of the south, else perfectly inexplicable]. Many have run from this neighbourhood particularly, and have literally abandoned their property. The country is in a deplorable state. It is full of Indians, and the force on the frontier admits only of defensive operations.” This alarm was not

so wholly groundless as the writer we quote appears to have thought; for "every station, every block-house, and every fort was assailed by the open foe, or by lurking bands of concealed savages."

"During the month of September, the distress of the people in the midst of the sickly season was extreme. Hundreds of families were lying around the stockades [of the forts, &c.], unable to get within the walls. At Mount Vernon both forts were so crowded that no more could be admitted. . . . Rankin's fort, a stockade for the protection of the fugitive people, contained five hundred and thirty white persons, of whom only eighty-seven were capable of military duty. Others were arriving every hour, and it was feared the number would be doubled in a few days." The ferocious jollity and excesses of the Indians can be imagined sufficiently well for our purposes. And, as Ingersoll observes, "without prompt and unlooked-for assistance from Georgia, Tennessee, and Mississippi, the whole country, from the Choctaws to the sea, must be a desolate waste, abandoned to the savages, not a white man venturing to raise his head beyond the limits of a military garrison. Help from the government at Washington was out of the question. Relief must come from the people themselves, and from the neighbouring states in such an emergency, or not at all."

In this hour of extreme need, this only realisable hope which the historian can discover, did not fail. "The people and the government of the contiguous states, Georgia and Tennessee, and of those convenient [Ingersoll's classical learning at times renders his English rather obscure], South and North Carolina, instantly acted with excellent decision, before it was possible to furnish the means, hardly to give orders, from the seat of government. In war, the well-being of popular government requires that each sovereignty act in its own sphere, and perform the constitutional duty prescribed to it. Irregularities of action betray infirmities which are not inherent in the system. [It would have been a better plan in every way to admit that the constitution was violated here, and to acknowledge the existence of some 'inherent infirmities.' For such really are the facts. The states were prohibited by the constitution from waging war on their individual authorities; and yet here was a juncture that required unconstitutional proceedings, movement under the regular forms being wholly inadequate.] The communities and governments of the states of Georgia and Tennessee faced the emergency with alacrity and energy, similar to what was displayed in Ohio, Kentucky, and Pennsylvania." And then he proceeds to reproach Massachusetts, because, under other and different circumstances, it did not perceive the necessity for violating the constitution.

Amongst other means for reducing the Creeks, now thought of, was the employment of the Choctaws against them. A "Committee of Safety" set forth at length the reasons which appeared to them to call for this measure:—the most convincing, in their opinion, being, that if the United States did not secure the co-operation of these Indians, the enemy might do so, and, then, instead of being subdued, the Creeks would be reinforced. "In the emphatic language of Major Gibson," says Monette, "the point was narrowed down to this—'We must engage the Choctaws, or fight them!'" In the next Book, when we consider the outcry raised against the employ-



ment of Indians, who volunteered their services as allies, this fact will be remarked upon.

Not till November, however, were the requisite negotiations completed; and it was the middle of the month before General Claiborne, accompanied by the Choctaw auxiliaries, advanced towards Weatherford's Bluff, on the Alabama, for the purpose of erecting a stockaded depôt, to receive supplies and military stores for the use of the Tennessee troops, under General Jackson, who were on the march along the line of the Coosa. Before the close of November this was done; and Fort Claiborne, with its palisades, block-houses, and half-moon battery, presented a frowning front to all unbidden navigators of the stream.

Georgia and Tennessee right actively seconded the efforts of the Mississippi, and had General Flournoy been a more efficient commander, now, as well as in the previous period, much effusion of blood and much waste of property would have been spared. On the western edge of Georgia, about the middle of October, was stationed General Floyd, at the head of some two thousand five hundred men; and by the beginning of November he had advanced with nearly a third of them, and four hundred allied Indians, into the Creek country about the Tallapoosa and its tributaries. At the end of the month he stormed a Creek town, defended by four hundred warriors, killing about half of that number, and amongst them two of their supreme chiefs, and burned two other towns, which had been erected under the auspices of the friends of civilisation, who now were involved in the general ruin; for "the hostiles were inflamed with the most vindictive rage against such of their own people as were neutral, or favourable to peace;" and the Americans had no option, when they fell in with their towns in possession of the enemy, but were forced to destroy them. These Autossee towns, we are informed by Monette, "were situated upon the 'beloved ground' of the Creeks, where they had supposed no white man could come without certain death."

But it was from Tennessee that the main body of the forces relied upon for the effective discharge of the stern duty of repressing the armed Indians, and chastising them for the outrage at Fort Mimms, came. The legislature of that state, then in session, had authorised the governor to call out three thousand five hundred men in addition to those already under arms; and before many days of October had passed, one column, of two thousand choice volunteers, under General Jackson, set out for Nashville; another column, of about equal strength, advancing from East Tennessee in the same direction under General John Cooke.

"The Federal government," says Ingersoll, who is fully conscious of the objections which the whole of these proceedings are open to, "soon adopted the men, and reimbursed the money,"—some 200,000 dollars,—appropriated by Tennessee for the maintenance of the war and the troops it had raised. "Riddance of the county from the savages, theretofore the terror, if not the masters, of it, was mainly effected by local popular and state action, consummated by operations of the Federal government. The part each one performed, the appropriate function of each, are lessons of that conflict which cannot be too durably impressed on the American mind." That is to say, "appropriate" according to the democratic interpretation of the constitution, now, "for the nonce" (we cannot afford a more dignified phrase), taken up. For after all we have seen of the resistance offered by the party to the Federalists when they

were in power, we cannot pass by, without some such note of disapprobation as this, the actual performance by the Democrats of the very things of which they unjustly accused the Federalists.

"While it is one of the most unquestionable and gratifying demonstrations of the war of 1812,"—continues Ingersoll, whom party spirit drove to treat this Creek affair as one phasis of "the second war," but who feels bound to be candid,— "that the states saved the United States in several emergencies, it is equally true that excessive state or popular action embarrassed and endangered the Union; and that it is by the harmonious adjustment [alone] of all the elements, popular, state, and federal, that national safety, dignity, and vindication are accomplished.

"If obliged to wait the orders, forces, and contributions of the Federal government the Creek war would never have been crushed, as it was [or, more truly, was *not*], in one victorious campaign. Yet that campaign proved, even without state or popular disaffection, that something more than six months' militia and volunteers is indispensable to general safety and welfare." Another "inherent infirmity," of which we shall anon learn more, is here touched upon. Ingersoll proceeds,— "In the fiscal operations of the American confederated government, its direct and unobstructed action produced revenues which paid not only the expenses of the war and all its debts, but *prior* obligations [likewise]. In military operations, the American force, although divided between federal and state sovereignty, is adequate to every exigency, when well administered by the federal, and not unconstitutionally resisted by state authority.

"The war of 1812 exhibited to advantage that balanced and complicated machinery of popular government, which, least understood and most disparaged in Europe, is apt to be contemned when it is incomprehensible. The defects and hindrances which appeared, both east [this is for New England, whose dissatisfaction with the war with Great Britain we are aware of] and south, in the war faculty of the American government, were not in the machinery, but the workmen, whose deficiencies were often glaring, whether governors or soldiers." And this, we take the opportunity to observe, is one great misconception on the part of Americans generally, respecting their constitution and polity. It is not the *form* that is so admirable, nor is it the "machinery" that is so perfect. Indeed, we might go further than this, and say,—it is not the principle embodied in the form, rendered operative and practicable by the "machinery," that is so complete as to realise Abbé Sieyès' well-known boast. But the nearest approach ever yet made to a polity which should at once respect the worth of men in the mass, and of the individuals composing the mass—which should comprise whatsoever foregone ages had discovered of political good, and afford the means and the inducement to further discoveries—is made by this constitution of the United States. Whether America will have the immortal honour of taking the next following step, depends upon the virtue of her citizens, and it behoves them to take heed to themselves lest that most glorious prize be reft from their grasp.

On the 3rd of November, soon after sunrise, General Coffee (who had been detached for this special service) crossed the Coosa with his nine hundred men, and advanced upon the Tallushatchee towns in an extended double column. Out-



numbered and overpowered, the Indians nevertheless fought with prodigious bravery, retreating only when forced back: "not one asked to be spared; they fought as long as they could stand or sit"—"with savage fury"—"as long as one existed!" "But their destruction was very soon completed,"—so wrote the victor. The number killed fell little short of two hundred, and included one of the Creek "prophets;" and eighty-four women and children were made prisoners. Some of these, too, were killed and wounded, for the warriors were driven back into their houses, and shot down or bayoneted at their own hearths. We are, however, assured, that this was "regretted by every officer and soldier of the detachment, but could not be avoided." Five Americans were killed, and forty-one wounded.

The Indians, Coffee tells us, used arrows as "a very principal part of their arms for warfare; every man having a bow with a bundle of arrows, which is used after the first fire with the gun, until a leisure time for loading offers." The "cart-loads" of arms and ammunition which were dreamed of by some, and for the possession of which by the savages the British were held guilty, do not appear in this part of the campaign. Perhaps we shall hear more of them as the business progresses. "Not one of the warriors escaped to carry the news!" And Jackson exulted in this bloodshed, which merely justified the red men for what they had done; and, having informed Governor Blount,—"We have retaliated for the destruction of Fort Mimms,"—went on to fresh slaughter.

Four days later, having learned that Lashly's Fort, at the village of Talladega, belonging to the friendly Creeks, was threatened by the hostile party, leaving behind him his baggage-waggon, and "all other impediments,"—says our classical writer, Ingersoll,—and crossing the Coosa, at Ten Islands, Jackson fell upon them at sunrise. With his foot arranged in three lines, and his cavalry at either wing, he advanced "in a curve," so as to "enclose the enemy in a circle." A sharp conflict ensued; the foe, met on every side, retreated, hotly chased "with a most destructive fire," for three miles, to the mountains; "and had I not been compelled," said the general, "by the *faux pas* of the militia in the outset of the battle [a few companies ran away at the first fire], to dismount my reserve, I believe not a man of them would have escaped. The victory, however, was very decisive; two hundred and ninety-nine of the enemy were left dead; and there can be no doubt but many more were killed, who were not found." Fifteen of the victors fell in the fight, and eighty-five were wounded, two of whom died afterwards. "In a very few weeks, if I had a sufficiency of supplies, I am thoroughly convinced I should be able to put an end to Creek hostilities."

General White, who commanded a portion of Cocke's column, had been ordered by Jackson to join him, after Coffee's first success. White was then only twenty-five miles distant, and it was desirable to press forward without delay, that the Indians might not have time to recover from the panic produced by these blows. Cocke, however, sent a contradictory order to General White, and as his subordinate officer, White obeyed him. The result was that the war was prolonged, and some of the Indians, who were ready to submit, were driven to hostilities.

Jackson's biographer thus writes:—"The Hillabee tribes, after the signal victory at Talladega, were solicitous to make peace with General Jackson and the United States. He was as ready to negotiate as to conquer; but before any terms could be made, General White attacked them, and while they were preparing to bury the tomahawk, they were compelled to wield it. Supposing that the forces under General White were a part of General Jackson's army, and that whilst they were suing for peace to be assailed by a superior force was unjustifiable duplicity, they became more enraged than ever. Desperation took the place of timidity, and during the remainder of the war the Hillabees never asked quarter, nor granted it. They fought with the raging fury of maniacs; and each one seemed to have become a 'Son of Alknomoc, who scorned to complain,'—they asked no favours, and extended no mercy."

White's campaign was, in some respects, as decisive as Jackson's; as one fact will tell. On the 18th of November he entered a Hillabee town, and out of about three hundred and sixteen warriors, killed some sixty, and took the rest prisoners, without losing so much as "one drop of blood." Putnam Waldo accounts for this exploit, which outdoes that of his chosen hero, by the supposition that "the Hillabees scorned to shed the blood of those to whom they were, at the very time, supplicating for peace." But he had before stated that "they fought with the raging fury of maniacs;" so that we cannot rate his historical capability very highly.

Simultaneously with these advantages gained by the contingent from Tennessee, a "signal" victory was obtained by General Floyd, at the head of the Georgia militia, at Autossee, on the Talapoosa. This was "the Creek metropolis," and the very ground was held to be sacred. It was defended with a spirit animated by every consideration that interest, revenge, and religion could present. Warriors from eight towns were assembled to oppose the invaders there. But "the well-directed fire of the artillery, added to the charge of the bayonet," triumphed over the bush-fighters, with their bows and arrows to use in the inevitable pauses of the rifle firing. The Indians lost at least two hundred, among whom were the Autossee king and another, and their wounded were much more numerous. "The number of buildings burnt, some of a superior order for the dwellings of savages, and filled with valuable articles, was supposed to be four hundred." The American loss was eleven killed and fifty-four wounded. That of the friendly Indians, who fought with them, and with great intrepidity, was never ascertained.

In the following month, Claiborne, with the Mississippi column, and a body of Choctaws, advanced into the Creek country, and, on the 23rd, attacked Eccanachaca, "Holy Ground," a town of about two hundred houses, not long built, with many incantations, to serve as Weatherford's stronghold, and fancied by the Indians to be impregnable. Weatherford himself, Josiah, Francis, and Siquister, all of them "prophets," encouraged their followers to display the most furious bravery in defence of the consecrated spot. Thirty only were killed; the chief prophet fled; the town was burned, and all the land round devastated.

Thus ended the first campaign,—great slaughter having been effected; but the original plan remained unaccomplished. For, indeed, after the victory



at Talladega, General Jackson's volunteers had enjoyed enough of "blood and glory," and under the pressure of short supplies of provisions, their thoughts and affections naturally reverted to their homes, and they mutinied. The general's oratory was wasted upon them, and "he ordered them to be marched home, and to be disposed of by the President, or the governor of Tennessee." How profoundly he was chagrined at this want of patriotism we can to some extent measure, by observing that not only was he disabled from carrying out his designs on the Indians, but his reprobation of the conduct of the militia of the northern states (which will come beneath our notice in the next Book) was rendered nugatory, "and the high standing of Tennessee tarnished," as he said himself, with characteristic inconsistency of metaphor. And this, we may remember, is not the first time, neither will it prove the last, when the inherent weakness of a citizen soldiery shows itself, even though the politics of the force be pure and guaranteed democracy.

With the opening of the new year a new campaign commenced. A newly organised corps from Tennessee and Mississippi joined the standard of General Jackson, and thus reinforced, on the 13th of January, he set out against the enemy. At the distance of fifty miles from Fort Strother, where he had passed the short interval between the campaigns, at the Horseshoe bend of the Tallapoosa river, the hostile Indians were collected in great force. They had fortified the peninsula and isthmus formed there so strongly, that without artillery the militia could have made no impression on them. On the 21st, at evening time, he was encamped on the Emuckfau creek, twelve miles from the enemy.

"Here, perceiving that the Indians were in great force within so short a distance from his position, and that scouts were reconnoitring his movements, he adopted an expedient which prevented the horrors of a night attack from the wily savages, who were anticipating an easy victory. Encircling his camp with a cordon of camp-fires *beyond the line of sentinels*, he effectually protected the army, as well as the sentinels, from surprise by the lurking enemy. The sentinels, being securely posted within the circle of reflected light, were enabled plainly to discern every Indian enemy who might approach the camp, and, from their position in the dark, could deliberately shoot down the lurking foe, while vainly searching for the encampment. Thus protected, the troops were held in readiness for battle until the morning light."

Frustrated thus, the savages, rather than lose all advantage from their preparations, resolved to attack the camp at break of day. Accordingly, at six o'clock on the morning of the 22nd, there was a vigorous assault made upon the left flank, which, after being firmly resisted for about half an hour, was successfully repulsed; and "a furious charge of the cavalry, under General Coffee, completely routed the Indians, and drove them nearly two miles from the field with great slaughter." Soon afterwards, the camp was attacked on the other flank, but with no better result, the remainder of the enemy's force being routed, with the loss of forty-five of their warriors.

Next morning, at about ten o'clock, a retrograde movement was taken up; for Jackson believed that he had diverted the enemy from their designs against the Georgian troops, and could best encounter them nearer to his depôt. On the 24th, at the outset of the march there lay a defile, at the crossing of a creek.

Here the Indians, who had followed closely (and against whom preparations had been made in the night for fear of a sudden attack), fell upon them, and threw them into disorder for a short time—some companies taking to flight. Very soon, however, they were rallied and brought into action, and the artillery, which was encumbered in the ford at the moment of attack, took the lead against the swarms of the enemy. The conflict did not last long, and the Indians were routed and fled in the greatest consternation, leaving twenty-six of their number dead on the field.

The loss sustained by Jackson's army in these fights was twenty-four killed and seventy-one wounded; of the enemy, a hundred and eighty-nine bodies were found on the several battle-fields, and "there is no doubt that many had been removed." The number wounded could not be ascertained. Jackson's admiring biographer thinks that "when it is considered what troops General Jackson had to command, and what enemies he had to fight," these "victories" (which he reckons to be *three* in number) "will bear a comparison with any in modern warfare;" which is, assuredly, a very remarkable opinion!

Notwithstanding these repulses, the Creeks—*Red Sticks* they called themselves, from the war-tokens used by the tribe—attacked Floyd at Camp Defiance, early in the morning of the 27th of January, and quite unexpectedly. The sentinels were driven in, and a fierce contest took place within the lines; but Indian valour, weapons, and tactics, here as elsewhere, proved no match for American discipline, grapeshot, and the bayonet. Thirty-seven of their warriors were left dead; but it was plain, from the number of head-dresses and war-clubs scattered about, and from the bloody trail they made in their retreat, that this was not the whole of their loss. Seventeen Americans fell, and a hundred and thirty-two were wounded.

After his return to Fort Strother, Jackson had to contend with the same difficulties that scattered his army at the end of the former campaign. And finding at length that the failure of supplies was owing to the greediness of the contractors, "he supplied his army by his own agents, leaving the contractors to pay the expense,"—a mode of procedure undoubtedly justified by the occasion, but not easily made to square with law or constitution, which gives us, however, some insight into the administrative principles of the general, and may be of service to us hereafter.

"When no longer any cause existed for complaints in his camp, he silenced them. He caused a mutineer to be tried by a court-martial, and when condemned to die, he approved of the sentence,—and he suffered death. He ordered every officer to be arrested within his command who should be found exciting mutiny or disobedience. He knew that a crisis had arrived when a great blow must be struck, or the expedition abandoned."

Early in March, Jackson was appointed a major-general in the United States' service, and was reinforced by the thirty-ninth regiment of United States' infantry. Several detachments of militia and volunteers soon afterwards joined him, so that the forces at his command amounted to nearly four thousand men, besides Indian auxiliaries, numbering nearly another thousand. He was thus enabled to repeat his attempt upon the fortified encampment of



the Creeks at the Horseshoe bend of the Tallapoosa; and to put in force his resolution to *exterminate* them.

About ten o'clock in the forenoon he reached Emuckfau once more, and instantly made preparations to attack the stronghold of Tohopeka, which was before him. Detaching General Coffee with the mounted men, and nearly all the allied Indians, he sent him across the river to surround the bend in such a manner as to cut off all hope of escape in that direction. The fortifications had been greatly strengthened, and were planned so well, that an attacking enemy would be exposed to a double fire, whilst the Indians would be in perfect security,—for “a cannon planted at one extremity could have raked the breastwork to no advantage.” Jackson estimated the number of warriors at a thousand—and he was under no inducement to underrate them—so that his men were in the proportion of five to one of the enemy.

When Coffee and his force had departed, the general, with the regulars, proceeded slowly and in order to the front of the breastwork, and from a distance of two hundred yards, or less, opened a brisk fire upon it from his two pieces of artillery, “playing upon the enemy with the muskets and rifles, whenever they showed themselves beyond it.” At the end of two hours, Coffee having entirely secured the other bank, and the buildings which were situated at the extremity of the bend being set on fire by the “companies of spies,”—he ordered his force to advance and storm the works.

In spite of a “most tremendous fire,” he was perfectly successful. The enemy was completely routed. Five hundred and fifty-seven were left dead on the peninsula, and a great number more killed by the horsemen in attempting to cross the river. “It is believed,” wrote the conqueror, “that not more than twenty had escaped. The fighting continued with some severity about five hours, but we continued to destroy many of them who had concealed themselves under the banks of the river, until we were prevented by the night.” Next morning, sixteen others were dragged from their hiding-places and slain. Two hundred and fifty prisoners, “all women and children, except two or three,” were taken. The loss on the American side was fifty-four killed, of whom thirty were Indian auxiliaries, and above a hundred and fifty wounded.

One of the Red Sticks’ “prophets,” Monshoe by name, was amongst the slain. “Manowa, one of the bravest chiefs that ever lived, was literally shot to pieces,” says Pickett, in his History of Alabama, but it appears that he did not perish. “He fought as long as could; he saved himself by jumping into the water, where it was four feet deep. He held to a root, and thus kept himself beneath the waves, breathing through the long joint of a cane, one end of which he held in his mouth, while one end came above the surface of the water. When night set in, he rose from his watery bed and made his way to the forest, bleeding from many wounds.”

Jackson was the means of saving one Indian child, whose mother had been killed in the attack; himself undertaking to nurse it, when all the women refused. And the boy, thus strangely brought up, lived to become a tradesman at Nashville, and to justify, if not to repay, the general’s care.

“In the meantime,” says Monette, “Colonel Pearson, with two hundred and fifty militia from North Carolina, scoured the banks of the Alabama, and

captured six hundred and twenty-two Indians, including men, women, and children. Several other skirmishes with parties of Indians had resulted in the death of some, and capture of many others."

"On the 1st of April, General Jackson marched to Fort Williams, where he remained a few days to refresh his troops, and to recruit their horses. Convinced, however, of the necessity of reducing the remainder of the Creeks to peace, or of exterminating them, he again prepared to take up the line of march for the 'Hickory Grounds,'—comprising the region lying between the Coosa and the Tallapoosa rivers, commonly known as 'the Forks.'" Monette gives us also a glowing "Address," issued to "animate his soldiers to further toils and new achievements," which our History cannot quote.

"With rations for eight days, packed upon the backs of the soldiers, the army set out for the hostile towns, over the rugged country which forms the dividing ridge between the Coosa and Tallapoosa. In less than ten days, the whole country on both sides of the Tallapoosa, for fifty miles above its mouth, was severely scoured and ravaged by fire and sword. But the Indians fled in every direction on the approach of the victorious army; the towns were all deserted, with their fields, to the mercy of the invaders. On the 17th of April, the army arrived at the old French fort Tellasee, on the Coosa, six miles above its mouth. Here the last chain of military posts was erected; and in honour of the victorious commander it was called 'Fort Jackson.'

"In the meantime the Georgia troops, under Colonel Milton, had advanced to the east side of the Tallapoosa with provisions and supplies; and having formed a junction with General Jackson's army, advanced to the general rendezvous at Fort Jackson. Many of the Indian auxiliaries had been discharged at Fort Williams on account of the scarcity of provisions, and others were also discharged at Fort Jackson, as the war was now terminated."

"These victories," Monette had said, referring to those terminating with the bloody overthrow at Tohopeka, "completely prostrated the Creek power." He now proceeds:—"The savages were humbled, and they had sued for peace and mercy from their conquerors. From the day that the general arrived at Fort Jackson, the Creek warriors and chiefs had been daily arriving from every quarter, imploring peace for their nation and their families. Among the distinguished chiefs was the notorious Weatherford, chief of the Alabamons, a principal instigator of the outbreak, the leader in the capture and massacre of Fort Mimms, and an active commander during the war. Vanquished, but not subdued, the proud warrior and fearless chief, disdaining to be led a captive, boldly advanced through the American camp into the presence of his victorious enemy, surrounded by his staff-officers, and bearing in his hands the emblem of peace, thus addressed General Jackson:—

"'I am in your power; do with me as you please. I am a soldier. I have done the white people all the harm I could. I have fought them, and fought them bravely. If I had an army, I would yet fight and contend to the last. But I have none. My people are all gone. I can do no more than weep over the misfortunes of my nation. Once I could animate my warriors to battle; but I cannot animate the dead. My warriors can no longer hear my voice. Their bones are at Talladega, Tallushatches, Emuckfau, and Tohopeka. I have



not surrendered myself thoughtlessly. While there were chances of success, I never left my post nor supplicated peace. But my people are gone, and I now ask it for my nation and myself. On the miseries and misfortunes brought on my country I look back with deepest sorrow, and wish to avert still greater calamities.

“‘If I had been left to contend with the Georgian army, I would have raised my corn on one bank of the river, and fought them on the other. But your people have destroyed my nation. You are a brave man. I rely on your generosity. You will exact no terms of a conquered people, but such as they should accede to. Whatever they may be, it would be madness and folly to oppose. If they are opposed, you shall find me among the sternest enforcers of obedience. Those who would still hold out, can be influenced only by a mean spirit of revenge; and to this they must not and shall not sacrifice the last remnant of their country. You have told us where we might go and be safe. This is a good talk, and my nation ought to listen to it. They *shall* listen to it!’”

Not one word of this speech (which, we observe, seems to have been spoken in reply to one of Jackson's, and *probably enough*, was not spoken at all) intimates the slightest connection with the British! And here we may introduce a few words from Hildreth, whose careful and complete work reflects the greatest honour upon the writer. “It was generally believed amongst the backwoodsmen, who ascribed the war entirely to British and Spanish instigation, that the Creeks had abundant supplies of arms and ammunition. In fact, *they were very poorly armed*; relying to a considerable extent on clubs, arrows, and magic!” This testimony, it is to be hoped, will suffice for the confirmation of the facts which we have noted,—all showing that the movement originated amongst the red men alone; and that it was the not unnatural indignation at perceiving that they were continually losing ground, whilst the white men were as continually gaining it, which communicated the first impulse to this hopeless struggle between the races.

Putnam Waldo, whose *Life of Jackson*, by its very grandiloquence, detracts from, or renders doubtful, the genuine renown of his hero,—is reminded of “Coriolanus and Aufidius, of Themistocles and a Persian king,” by this surrender of the discomfited prophet of the Creeks, and observes, “Magnanimity in each overcame vengeance.” Pickett, however, supplies us with the actual facts of this interview. As soon as Weatherford appeared in Jackson's camp (another account says he came at midnight!), the general rushed out exclaiming,—

“‘How dare you, Sir, to ride up to my camp, after killing the women and children at Fort Mimms?’ [He might have called to mind the dreadful vengeance, involving both women and children in the destruction, which had been exacted for that ruthless deed; and left this reproach unspoken, we think.] Weatherford said, ‘General Jackson, I am not afraid of you. I fear no man, for I am a Creek warrior. I have nothing to request in behalf of myself. You can kill me, if you desire. But I come to beg of you to send for the women and children of the war-party, who are starving in the woods. Their fields and crops have been destroyed by your people, who have driven them to the woods

without an ear of corn. I hope that you will send out parties who will safely conduct them here, that they may be fed. I exerted myself in vain to *prevent the massacre* of the women and children at Fort Mimms. I am now done fighting. The Red Sticks are nearly all killed. If I could fight you any longer, I would most heartily do so. Send for the women and children. They never did you any harm. But kill me, if the white people want it done !’

“At the conclusion of these words, many persons who had surrounded the marquee exclaimed,—‘Kill him ! kill him ! kill him !’ General Jackson commanded silence ; and in an emphatic manner said,—‘Any one who would kill as brave a man as this *would rob the dead !*’”

Arrangements were now in progress for concluding a regular treaty with the Creeks, who “were completely at the mercy of their conquerors, both as to territory, and their own personal safety.” No one could be so proper a person to negotiate this as the “Commander of the Tennessee Volunteers ;” and he was accordingly appointed commissioner in conjunction with Colonel Benjamin Hawkins, the Creek agent, whose inattention to his duties was one of the reasons of the particular course of events in this outbreak and war. And on the 9th of August, the treaty was duly signed at Fort Jackson.

In the preamble of this treaty were set forth the wrongs inflicted upon the United States by the Creeks, and their aggravations in consequence of the treaties formerly concluded with the nation which were violated by the outrages specified. It also put upon record that suspicion, which (as we have shown) was not only unproven, but the contradictory to which had been proven instead, thus,—“That more than two-thirds of the whole number of chiefs and warriors of the Creek nation, disregarding the genuine spirit of existing treaties, suffered themselves to be instigated to violations of their national honour, and the respect due to a part of their own nation, faithful to the United States and the principles of humanity, by impostors denominating themselves ‘prophets,’ and by the duplicity and misrepresentation of foreign emissaries, whose governments are at war, open or understood, with the United States.”

Wherefore, proceeds the treaty, the United States demanded, and the instrument was the token that the Creeks ceded a certain tract of territory as “an equivalent for all expenses incurred in prosecuting the war to its termination.” Above three-fourths of their lands were thus taken from them ; and the portion left to them was isolated, so that they were, in fact, prisoners at large, for the time to come. And it must be well remarked, it was the *friendly* Creeks who were thus punished for the delinquencies of the Red Sticks party, who were all but exterminated. Nevertheless, it was expressly stipulated, that “where any possession of any chief or warrior of the Creek nation, who shall have been friendly to the United States during the war, and taken an active part therein, shall be within the territory ceded by these articles to the United States, every such person shall be entitled to a reservation of land within the said territory of one mile square, to include his improvements as near the centre thereof as may be, which shall inure to the said chief or warrior and his descendants.”

The abandonment of all intercourse, “commercial or other,” with every “British or Spanish post, garrison, or town,” except “by license from the



President, or authorised agent of the United States ;" the acknowledgment of the right of the United States "to establish military posts and trading houses, and to open roads within the territory guaranteed to the Creeks" by the treaty ; the immediate surrender of all prisoners taken by the Indians, and of all property taken from citizens of the United States during the war by them ; and "the caption and surrender of all the prophets and instigators of the war, whether foreigners or natives," if ever they should be found within the Creek territory—were demanded by subsequent articles, and conceded by the vanquished nation.

Permanent peace was established by another article, and one (numbered seven) reads thus : "The Creek nation being reduced to extreme want, and not at present having the means of subsistence, the United States, from motives of humanity, will continue to furnish gratuitously the necessaries of life, until the crops of corn can be considered competent to yield the nation a supply, and will establish trading houses in the nation at the discretion of the President of the United States, and at such places as he shall direct, to enable the nation by industry and economy to procure clothing."

"Such was the close of the Creek war," which Monette, ascribing to *them* the determination expressed by General Jackson in one of his despatches, calls "a war of extermination commenced by them against the American settlements ;" and by a misrepresentation equally noticeable, alleges to have been "instigated and sustained by British revenge ;" for truly, Britain and her agents have never appeared upon the scene in the whole of these transactions, except in the narrative of some highly democratic official or historian, and there, apparently, as often to lend a point to some utterance of commonplace patriotism, as from any heartily entertained suspicion that they had to do with the affairs spoken of.

And now, without waiting until the war with Britain should be ended, "the people of Tennessee, and other states contiguous to the Indian nations, relieved from apprehension of savage hostility, began to advance into the Indian country. The treaty of Fort Jackson had extinguished the claim of the Creek nation to all the country south of Tennessee river, from the Black Warrior eastward to the Coosa, and beyond Fort Jackson on the Tallapoosa ; and the tribes of that nation had begun to retire within their new boundary, but the country, south and west of the county of Madison, was in the possession of the Chickasaw nation, as far south and west as the Choctaw boundary ; yet before the close of 1815 the white population was gradually advancing and forming settlements west of Madison county, and south of the Tennessee river, within the Chickasaw territory.

"At the same time, population was crowding into the country north of the Tennessee river, eastward and westward from Madison county ; . . . and the country within twenty miles of the southern limit of Madison county was likewise receiving its advanced pioneer settlements." "Before the close of the year 1816, all this portion of country, north and south of the Tennessee river, was fairly in the exclusive occupation of the white population. Nor was this the limit of emigration ; hundreds were advancing down the Tombigby to the settlements on the lower portion of the river, near Washington county ; others

advanced westwards upon the head-waters of the Tombigby, coasting the fertile and virgin lands still in the occupancy of the Chickasaws. The advanced pioneers from Tennessee, who had explored the country upon the sources of the Tombigby and the Black Warrior, 'considered it the *land of promise*, and they impatiently awaited the completion of the surveys by the United States, when they were ready to cover it with their tens of thousands.'"

"But," continues Monette, whose relation of these events, much abridged, and which compared with other sources of information, we have judged the best adapted for our pages, "the advance of the whites was premature. The Indian tribes had not yet abandoned the country. The boundary line stipulated in the treaty of Fort Jackson had not been established, and the Indians, reluctant to yield up so large a portion of their territory under the promptings of British emissaries from Florida [of which we shall say more in another place, it being enough now to remind our readers that it was *after* the peace of 1815], refused to abandon the country, or to permit the line to be established. Influenced by these emissaries and agents [whose very existence is at present problematical to us], they denied the obligation of the treaty, because its terms were dictated by the victorious general, and were disapproved by a fraction of the Creek nation. They asserted their unimpaired title to the country, and forbade the advance of the white population. 'The Big Warrior declared he was deceived in the extent of the country to be ceded by the treaty; and that the restriction of the Creek nation to the limits of the treaty line would lead to the inevitable destruction of his nation, as it would leave their country too limited for a subsistence by hunting, and that they might as well die by the sword as by famine.'

"Before the 16th of October, the Creek Indians had recommenced hostilities upon the frontiers of Georgia, and had broken up all the military cantonments on the line from Fort Jackson eastward to Fort Mitchell, on the Chattahoochy. The pioneer settlers were compelled to retire from the exposed situations, and seek safety in the older settlements." How the President emitted a proclamation against unlawful settlers; how "the Federal government omitted no efforts for the amicable adjustment of the contested boundary;" and how excited democracy beheld (by that species of "second sight," common in such cases) "the humane policy of the government," defeated by the intrigues of British and Spanish emissaries, which had no existence except in its own disordered imagination, all this we must leave to our readers to picture to themselves. It will be enough if we have thus intimated the probability of another war with the Creeks, arising out of the same pressure of the aggressive and conquering white men upon them, as the former war arose, but inflamed by the remembrance of their losses at Talladega, Emuckfau, and Tohopeka, and of a treaty which made the innocent bear the punishment that the guilty alone had merited.

"The advanced population in all the new settlements, and especially those upon the head-waters of the Tombigby and Black Warrior, was encroaching upon the contiguous territories of the Choctaw, Chickasaw, and Cherokee nations, which were in friendly alliance with the United States:" as, in fact, Monette, whom we quote, had already intimated. "To facilitate the advance of these settlements," he proceeds, as if unconscious that in this lay the whole



ground of Indian rebellions and wars, "the Federal government took immediate measures to obtain a formal relinquishment of the claims of the three contiguous nations. For this purpose, commissioners were appointed on the part of the United States, who, during the autumn of the year, concluded three several treaties for the cession of all the territory, from the head-waters of the Coosa westward to the Tombigby at Cotton-gin-Port, and to a line running thence direct to the mouth of Caney Creek, on the Tennessee river."

So says Monette. But there were two treaties with the Cherokees concluded in the spring of 1816, being signed on the 22nd of March,—the one ceding a certain tract near the Chattuga river to "their brothers of South Carolina," for the consideration of 5,000 dollars, to be paid within ninety days of the ratification of the treaty by the President and the Senate; and the other, defining a particular portion of the boundary line of the lands belonging to that nation, and consenting to "indemnify the individuals of the Cherokee nation for losses sustained by them in consequence of the march of the militia, and other troops in the service of the United States, through that nation," to the amount of 35,500 dollars.

Of the treaties in the autumn, that with the Cherokees bears date the 14th of September; that with the Chickasaws, the 20th of the same month; and that with the Choctaws was concluded on October the 24th. The "consideration," stipulated in the first treaty, was an annuity of 6,000 dollars for ten years, and 5,000 dollars "to be paid in sixty days after the ratification." By the second treaty, 12,000 dollars per annum for ten years, and 4,500 dollars in sixty days' time after the ratification, was promised to the Chickasaws; and many special marks of favour were further conferred on the tribe. And to the Choctaws, the commissioner engaged that 6,000 dollars should be paid annually for twenty years, and 10,000 dollars' worth of merchandise, "immediately on signing the present treaty."

"Immediately after these treaties," continues our guide, "the white population pressed forward with great rapidity from the Tennessee valley into the fertile and beautiful plains comprised within the limits defined" by them. "Before the close of the year 1816, the *civilised* inhabitants of the Mississippi territory had increased to more than seventy-five thousand *persons*;—including slaves," he adds; but he must have committed some mistake in this statement, for *slaves are not persons, but things*, and may not be included in the "*white population*;"—and it is the characteristic dogma of the Abolitionist heresy (against which, in some states, the venerable statute of the old country, *de hæreticis comburendis*, is still by the popular courts held to be in force), that slaves are susceptible of *civilisation*. In a subsequent Book we shall tell of the erection of the state of Mississippi, which followed hard upon the rapid increase of the population.

Another incident remains to be mentioned, although the events out of which it sprang will form part of our story of the war. Upon the river Appalachicola, twenty-five miles from its mouth, in the province of Florida, a fort (which Monette describes as a "stronghold") had been constructed by a British Colonel Nichols, or under his directions, by one Captain Woodbine. Thither, the whole time of the war, fugitive slaves resorted and received protection, and there, also, many Indians, who had been in arms against the United States, or who pre-

ferred the protection of the authorities in Florida to that of the official of the United States, took shelter. But at the return of peace, the British relinquished it, and the refugees retained it in their possession.

Georgia had considered itself not a little aggrieved by the conversion of its stray "chattels" into armed freemen; for instead of restoring the fugitives to their *owners* in Georgia, the British commander had entertained them as he would have done by any other deserters. Proximity to the American frontier naturally induced the habit of retributory depredation, and if it did not, southern democracy—which already regarded the whole of Florida as its own, and considered the present possessor as unlawfully keeping that territory from it—looked with more eager eyes towards the fort on the Appalachicola, "and military posts were established on the Chattahoochy, *for the protection* of the Georgia frontier."

How precisely the tactics of aggression are the same for every species of state! These hundred or more runaway negroes, "and a few Indians," must have been terribly menacing to the said frontier, that it should be so guarded for their sake! But if not, some quarrel could easily be made, and the audacious fugitives made to smart for their evasion from the land of liberty.

Amongst the posts erected, for one or the other purpose, was Camp Crawford, "just above the Florida line. The supplies for this post," says Monette, "were received by way of the river through the Spanish province, and by passing under the guns of the negro fort, which commanded the river." "The guns of the negro fort," whose grim muzzles showed themselves at the embrasures to all shipmasters and others passing up or down the river, and of course to those who had charge of supplies for Camp Crawford,—but not more grimly. These guns were in part at least of British manufacture, and they, with all the stores of the fort, had been left, according to treaty, by Nichols or Woodbine, or whoever was the commander at the time, and so had passed into the possession of the hundred or more negroes and the few Indians who were with them. To the Americans they could not have been given up, and had they been carried off the Americans might reasonably have complained of the violation of the treaty. Can it be that we have here the germ of those stories, so confidently related by subsequent historians, of the supplying of the revolted Indians with arms and ammunition (which, remarkably enough, were *not* employed in the Creek war) by the British?

The narratives of credible and respectable writers differ very widely, but we have a clue to the genuine facts. Monette, as well as the others, calls this affair the "prelude to the Seminole war;" but in another part of his work, he gives us as the "Origin of the Seminole war," a statement in itself most probable and natural, which we have already excerpted. We shall, therefore, whilst we avail ourselves of his fuller outlines, not transfer his colouring to our page. By this means, even such as are still labouring under that delusion, which was one of the products of the first French Revolution, and was imported by the Gallo-men of the times next after the war of independence, that Great Britain had so much money, and so little wit, as to be continually engaged in intrigues for the disturbance of the peace of the nations she was in alliance with;—even they who believe this putid absurdity, may read in our tale only a plain, unvarnished record of facts.



In the middle of August, 1816, Major M'Intosh, the chief of the friendly Creeks, at the head of a hundred and fifty of his warriors, and two other detachments of Indians, set out for the surprise of this fort. At the same time, Lieutenant Loomis, with two transports laden with provisions, stores, and ordnance, convoyed by two gun-boats, began the ascent of the river; and Colonel Clinch, of Camp Crawford, descended it, with a detachment of two companies (comprising a hundred and sixteen picked men), Captain Zachary Taylor being in command of them.

"The instructions to Colonel Clinch required him, in case of opposition to the ascent of the vessels by the fort, to reduce it by military force." Loomis next informed him that "a watering party, *near the mouth of the river*, had been attacked by a detachment of negroes;" Clinch, therefore, without ascertaining whether this attack proceeded from the fort, determined at once to storm it. The Indians were employed first, and Garçon, the negro commander of the fort, hoisted the English Jack when summoned by them to surrender. About a week afterwards, the gun-boats having reached the fort, he erected a battery, and attacked it in earnest. The fifth round ended the siege; for a red-hot shot from one of the gun-boats reached the magazine, and the fort was blown up. Negroes, Indians, women, and children, were involved in one frightful death; not a sixth of the whole of the inmates of the fort (numbered at about four hundred, by some authorities) escaped. The negro Garçon, and a Choctaw chief, ominously named Red Sticks, were taken prisoners, and, as Hildreth avers, "put to death in cold blood, *nominally* by the Indian allies." The quantity of powder destroyed could not be known, and seems to be exaggerated; as is the story that Woodbine had escaped the night before. Next day it was said that a body of hostile Seminoles approached the victors, but did not attack them. It was an invasion of their territory, and an attack upon Spain also, in reality. Clinch returned with all the negroes who did not perish, having seized them all as fugitives. In the following December, General Gaines made a foray into lands of the Seminoles, in Florida, and found, we are assured by Monette, a British uniform of scarlet cloth in the wigwam of one of the chiefs, and a testimonial in the pocket, in which he was called a "faithful British subject." Whence the usual inference is drawn, although it would have been just as surely deduced, had no such things been lighted upon.

And this was, in fact, the outbreak of the Seminole war, in which the United States appear, upon Monette's own showing, to have been, unquestionably, the aggressors.

Of the "sacred right of insurrection,"—that famous dogma of the first French Revolution,—history has heard and also said sufficient, both in vindication and in reprobation. Anglo-Saxon America, notwithstanding its leaning to the French through their desperate and spasmodic throes, did not adopt that invention (or discovery, call it which you will) of their sedulous pupils. But instead, it improved upon the *riot* of the old Fatherland, and has made itself equally famous by its "Lynch law," as it is by its love of liberty, its negro slavery, its rapid increase in population, and those other cognate marvels of the New World. We cannot give to the United States the credit of having originated the mob, with its terribly rough and ready appliances for enforcing

and giving utterance to its convictions; but, undoubtedly, the mobs of the United States are so far beyond those of Great Britain in all that constitutes them *mobs* (the "Church and King mobs," and those of the Gordon riots, always excepted), that the historian may regard them as phenomena of a peculiar kind, without any great damage to the consistency and propriety of his narrative.

We offer these general remarks, it may be permitted us to say, because "Lynch law" has been so extensively adopted by the Southern or Slave States, as to throw quite into obscurity the claims of the West, the Backwoods, to be its native home and favoured haunt. How the saddest result of the supremacy of the Democratic or Jeffersonian-Republican party, the despotism of the majority, is exhibited and confirmed by these displays of violence, the narratives will of themselves sufficiently show. Something of the height to which party feeling respecting the war rose, we have already seen; the following account of the outrages committed at Baltimore by a mob of the Democratic, or war party, will exhibit that spirit in a new light.

There was established at Baltimore a newspaper called *The Federal Republican*, the chief editor of which—Hanson by name, one of the family not inconspicuous in the revolutionary times—upheld with zeal and ability the political views of the old Federalists, at this time better known by the name of the Essex Junto. Having all along opposed the war, Hanson accompanied the publication of the declaration of war by remarks of such a kind as we can imagine; and declared that he purposed still to speak as he had done respecting the unhappy feud, which, as he held, the opposite party were the real authors of. This appeared on Saturday, the 20th of June;—on Monday, in the evening, a numerous mob attacked the office of the newspaper, and, unopposed by the magistrates of the city, without anything deserving so much as the name of a protest against the violence, completely destroyed the building, presses, types, and all other printing materials. One of the proprietors of the establishment was pursued by the mob from house to house, with atrocious threats against his life; but he happily escaped. Hanson himself was not a resident in Baltimore, or we can imagine what would have been attempted against him.

This mob would have been an exception to all others of America, as the Porteous mob is said to be to those of Britain, if it had remained contented with the execution of this *plébiscite* against the Federalist editor. Assembling on the following evening, it proceeded, after attacking the house of another Federalist (real or suspected), to plunder certain vessels lying in the harbour, ready for sea, under the pretence that the ships, or their owners, their commanders, or their cargo, were guilty of *Anglicism*. And then, with the genuine instinct of the South, it burnt down the house of a free man of colour,—proved guilty of the same form of treason to American democracy, to the satisfaction of this multitudinous jury of Judge Lynch, by these two incontrovertible facts,—he *was* a negro, and he *was not* a slave! The appearance of a troop of citizen cavalry, called out thus late to preserve order, prevented the destruction of a negro church, to which the rioters were just directing their steps: and so, for the present, the affair ended.



Georgetown, in the district of Columbia, gave shelter to the fugitive editor of *The Federal Republican*; and there he continued to print, and thence to issue his newspaper; until, partly for the purpose of effecting (if possible) its re-establishment in Baltimore, but principally that he might more emphatically protest against that violent infringement of his liberty—both personal and political—he obtained the use of a house as a place of publication there; but still printing the journal at Georgetown.

Having ascertained that the constituted guardians of order, and protectors of the liberties of the citizens, either because they were overawed by the mob, or because they shared their madness, would not defend him, Hanson converted his house into a fortress, and prepared for a siege in the same manner as we have seen the holders of many a blockhouse in the forest wilderness of the remote West preparing, when the scouts had discovered that there were Indians near. He was assisted by Generals Henry Lee and Lingan, the former not an undistinguished person in the country, for he had been governor of Virginia; and of unimpeachable patriotism, for he had fought bravely against the British in the revolutionary war. Lingan had fought in the same war; and Lee has for us the additional recommendation of having been a close friend of Washington. They, with others, joined Hanson, resolved to defend his house to the last, if it should be assaulted; and we can only regret that, since such was their temper, and such the circumstances of peril they were placed in, the house was not surrounded by a sufficient stockade, as well as occupied by gallant men.

It was the 27th of July, and in the evening the mob appeared before the office of Hanson's paper, and, as it seems, without parley, commenced an attack upon it with stones. Disregarding a warning from the garrison to depart, the besiegers continued, until they had forced open the door, when they were fired upon, and one of their number fell dead, many others being badly wounded, of whom one died afterwards. Beaten back thus, the mob sent for a cannon; and meanwhile, the city authorities, with undoubted civic bravery and despatch, besides those less venerable qualities before alluded to, had sent out a troop of the mounted militia, to make a show, at least, of acting in the name of the law. The commander of this rather questionable force did, by his persuasive oratory, prevail upon the rioters not to use their gun; but instead of dispersing them, they exhorted the beleaguered editor and his little band to surrender themselves, and be conducted to the prison, as a place of refuge and safety. They, receiving the assurance of the chief magistrate of the city that they should be protected, and being, moreover, both wearied and wounded by the assault, unwisely yielded to the summons.

We pass by the insults and menaces they had to endure, as they were marched to the gaol, between the ranks of the soldiers, as if they had been the criminal actors in the affair, and not the sufferers. We pass over the sack of the house. Those minor incidents scarcely require specification. We hasten to the first part of the catastrophe.

On the following night, July the 28th, the city authorities and forces having (either through cowardice, or by connivance) left the gaol without any additional means of defence, which circumstances imperatively demanded, the mob reas-

sembled, and being admitted into the prison by one of the gaolers, they fell upon the prisoners. Some of them adroitly escaped by mixing in the crowd of assailants, which the darkness and confusion enabled them to do; two were secreted by a person confined there for some real crime; the rest, some ten in number, beaten down by bludgeons, and exposed to every conceivable outrage, were hurled down the steps forming the entrance to the prison, into a heap, for dead.

There, for some hours, they were made cruel sport of by the infuriated multitude. General Lingan died of the tortures he endured; Lee was lamed for life; and (to sum up in one pregnant fact the whole of this horrible recital) the others were rescued only by the proposal made by the medical officer of the prison,—who could devise no other means for saving them,—that the corpses (for such they seemed) would make admirable “Tory skeletons;” and so he had them brought within the walls of the gaol again. Another of the band of prisoners, whilst this infamous atrocity was proceeding, had been literally tarred and feathered; the mob even setting fire to the inflammable materials they had half-smothered him with.

It was not until all this had been done that the magistrates made their appearance on the scene,—and then it was, at first, to join the mob in requiring the postmaster of the city to violate the trust he was sworn to execute, and give up the copies of *The Federal Republican* then in his possession! We would gladly have recorded that brave man’s name; his faithfulness to his duty so far shamed the mayor, that he ordered the military to charge the rioters, who did not wait for the execution of that command.

Hanson and his friends, who had been preserved from perishing by the ready wit of the physician of the gaol, as we related, after being revived, and having their wounds dressed, were smuggled out of the prison in various ways, and concealed in the hospital and other places. Whilst the council of the city, after what they called an investigation of the matter, attributed to Hanson and his friends the entire guilt of this abominable violation of the peace, and charged them with conspiring to defy “the democratic sentiment of Baltimore!”

In the trials which ensued,—for the ringleaders were *pro formâ* arrested and brought to trial,—not only did the jury acquit the assassins, but one of their counsel, unreprieved, expressed his regret that every one of the defenders of the newspaper office had not been put to death. Hanson also was tried and acquitted,—but it was deemed a remarkable thing that he escaped condemnation as a murderer, because, in resisting the murderous assaults of a mob, he or his friends had in self-defence committed homicide.

Three thousand persons are said to have followed the mangled remains of the brave General Lingan to the grave in Georgetown: This, and public meetings, for the most part in Maryland, were the chief public expression of disapproval of the Baltimore infamies. Throughout the Union, the democratic journals, tacitly or explicitly, commended the assassins. And we have not heard that either Jefferson, or Madison, or any other democratic chieftain, whose name was invoked by them, as they tortured their victims with less mercy than Indians would have shown, repudiated the scandalous association with the deed of cowardice and blood. In one or two places an imitation of the thing was even attempted.



In consequence of the vast extension of slave-territory, by the erection of the governments south of the line of the Ohio, and beyond the ridge of the Appalachians, a demand for slaves arose, which, as the foreign slave-trade was abolished, could not readily be supplied. And a new kind of slave-trade began, which has inflicted upon the wretched African race woes unparalleled by any they had before endured, and gave to the "institution" a new vitality, by which the probability of its duration has been almost indefinitely increased.

All along the northern border of the slave-region, either because labour by bondsmen is not remunerative, or because contiguity to the free-region makes it impossible to "work" them as they are worked further south, the enslaved population was gradually diminishing, and "wealth" in this form was fast disappearing, and the disposition to abolish slavery grew continually. But the opening of this new market in the lower part of the great Mississippi valley produced a most unfavourable and melancholy change, and the most degrading feature of American slavery—slave-breeding—was introduced. How rapidly this novel branch of domestic commerce grew and thrived, until it became the mainstay of the system, and plunged the whole Union, through that fatal spirit of "compromise," by which the noblest aspirations of its best citizens have been neutralised, we shall have frequent occasion to point out; and withal, how it increased the woes of the free negroes, by exposing them to the dangers of "abduction" and apprehension on the false allegation that they are "fugitives."

Coincident with this extension of the slave-trade was the movement originating with the slave-holders, for the deportation of emancipated negroes to the western coast of Africa, and the formation of an independent state there, which we afterwards hear of by the name of Liberia. An association was erected with this object, and called the Colonisation Society. But the history of this belongs properly to a later period, and it will be more fully treated of in a subsequent page.

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## CHAPTER II.

BEFORE THE WAR.—NON-IMPORTATION ACT.—THE FRENCH "DECREES."—AFFAIR OF THE LITTLE BELT AND THE PRESIDENT.—PREPARATIONS FOR WAR.—WAR DECLARED.

Of the part which Jefferson took in the war with Great Britain, we have spoken in the chapter upon the Foreign Affairs of his administration; and we think that few can carefully trace the line of policy which he adopted, without ascribing it mainly to him, although the party opposed to it gave it the title of "Madison's war." How adroitly the great Democratic chieftain contrived, without implicating himself in the responsibility of conducting them, to make hostilities unavoidable, has been fully shown. And in addition to that remarkable element of timidity, which entered into his character, we can see that the enhanced publicity which must have been his lot, had he been at the

head of affairs during the war, must have operated with him as a motive for devolving upon another that serious burden. That thought was, indeed, no stranger to his mind, for writing of the position of Madison, as the plot thickened, he said, "In times of peace, the people look most to their representatives: but in war, to the executive *solely*."

Erskine was still the resident British minister at Washington; and negotiations were carried on with great activity with a view (apparently) to the arrangement of the difficulties which had arisen between the two governments. Erskine was not a very able diplomatist, but no doubt can be entertained of his desire to effect an accommodation. And he had received such assurances from Smith, Gallatin, and, before his inauguration as President, from Madison himself, that he fully expected to be successful. In private conversations Gallatin had even contrasted the dispositions of the retiring President and his successor; showing, that whilst the one had a leaning in favour of France, the other was most inclined to the alliance of Great Britain. And the ambassador had, along with Gallatin, concerted some general scheme, by which he persuaded himself all the trouble and suspicion pressing now so heavily on both countries would be removed.

The course of such negotiations, when both parties are not equally in earnest, is not of sufficiently lasting interest to make it needful to relate it in full. It is enough to point out what will make the outbreak of hostilities, and any particular display of inimical feeling, clearly intelligible; and to show in a general way, how it was that, after all, nothing was accomplished in the way of composing the dispute.

Here, therefore, we will only say that it caused Madison some vexation, not to receive so soon as he expected the reply of the British government to the minister's proposal. For, as matters stood when he entered upon the responsibilities of office, there was not a plausible cause for declaring war against Great Britain alone, and American commerce was suffering without any corresponding benefit or advantage; nor could the new President, or his advisers, resolve to accept the other alternative, to which the United States' government stood pledged—to declare war against both France and Britain, if both did not withdraw their commercial "Decrees" and "Orders."

In the middle of April, however, Erskine was enabled to lay before the United States' Secretary the offers which the British government thought fit to make, and which they said were framed to meet Erskine's belief in the favourable intentions of the new administration, rather than their own conviction. Considerable latitude was given to Erskine, and more than one course was pointed out to the United States, as satisfactory to the British government. But certain conditions were imperatively required, which it was supposed were due to the honour of Britain.

Generally, the proposals were—ships of war of both belligerents to be equally excluded from the American waters; disavowal of the orders issued by Admiral Berkeley (but no other mark of displeasure than the recall to be asked); the restoration of the men taken from the Chesapeake, and also a proper provision for the families left by the men killed on board her, by the attack of the Leopard; disavowal by the American government of the purpose to



infringe the British rights, national or personal, throughout the whole of that affair; deserters, who were British-born, to be surrendered when claimed; the recall of the "Orders in Council," if the retaliatory acts of the United States' government were rescinded in favour of Great Britain, but not in favour of France—if the colonial trade which was prohibited in time of peace were not attempted in war-time—and if Britain might enforce these conditions, if violated, in the usual way.

New negotiations thereupon arose, and the President and his Secretary exerted themselves to procure from the British resident the most liberal construction possible of the proposed terms—to the extent, in fact, of going against, as well as beyond, his instructions; whilst they committed themselves, as it seemed, to conditions which Congress had the power to reject.

The issue of these interviews and correspondence appeared in the form of the adoption of a suggestion made by the British government, to the effect that "a proclamation for the renewal of the intercourse with Great Britain" should be issued by the President,—his Majesty being "willing to withdraw his Orders in Council;"—and also purposing to send to the United States "an envoy extraordinary, invested with full powers to conclude a treaty on all the points of the relations between the two countries." On the 19th of April, accordingly, the proclamation appeared, announcing the intended withdrawal of the offensive "Orders," on the 10th of the following June, and the renewal of the trade with Great Britain, on the same day.

The news of this arrangement was received throughout the Union with the highest degree of gratification; and the general exultation furnished decisive evidence of the strong desire of all descriptions of persons to be at peace with Great Britain. Congress assembled at the end of May, and discussed, not without storms in the course of the debates, the measures by which the behests of the executive and the renewed relations between America and its mother country should be secured. But whilst the trade with Great Britain was rendered lawful once more, in distinct contradiction to the proclamation, as well as to the terms of the arrangement made with Erskine, the admission of French war-ships was conceded. This requires to be noticed carefully, because it affords us an equitable measure for estimating the reality and fairness of those continual complaints on the part of the democratic statesmen and historians of the times we are speaking of, and ever since, of the violation of treaties by Great Britain. It is at the least the old story of *Punica fides*, and, however suitable to the caucus and the hustings, is unbecoming the gravity, and destructive to the credibility, of history.

With revolted Hayti commercial intercourse had been carried on from the first in an underhand manner, and it was now, once more, proposed in Congress to legalise this profitable trade. This proposal awakened objections amongst the Southern Democrats. They did not wish the advantageous traffic, contraband at the time, to cease; but they feared to irritate France, who felt the loss of the rich sugar island; and they could not bring themselves to acknowledge a country peopled by revolted slaves, for that would be offering a premium to their own slaves to revolt. The solution they discovered was characteristic—they rejected the proposition, the illicit trade went on, the negro state was

unrecognised, and France was not offended, whilst this snug source of profit was not stopped.

Soon after Congress had broken up,—its extraordinary session ended,—came the tidings of the refusal of Great Britain to ratify Erskine's agreement; and all the dreams that had been indulged by the best classes of citizens, and most moderate and enlightened politicians, departed. "Free trade and sailors' rights," says one historian of Madison's administration, was the watchword "repeated from one extremity of the Union to the other; impressment, and the violation of the neutral flag [precisely the two matters which the unratified agreement left in *statu quo*], were the topics of discussion at every public gathering; and while old men gave utterance to their opinions in indignant language, the young stood by in silence, but with clenched hands and flashing eyes, and cheeks glowing with the fire of manly patriotism." All of which would have been spared had the impressment question, and that other about the flag, been given up tacitly by means of a treaty about other things! These facts are full of instruction.

Madison hastened to make known the issue of the negotiations, and in a second proclamation, dated the 9th August, recalled the permission given to asphyxiated commerce to breathe again, and again prohibited all import trade with either France or Great Britain, both in American vessels and in ships of those countries. The Non-importation Act was, in fact, restored to full operation.

The unsuccessful British negotiator was of course recalled, and in the beginning of October, Francis James Jackson had reached Washington to take his place. He was a diplomatist of some standing, and as he had served in one of the most confidential and momentous missions which had occurred in late years, that which had for its upshot the seizure of the whole fleet of Denmark by Great Britain, it may be believed that he did not come with the most favourable *prestige* for the United States, neither could he regard the statesmen of America with as much respect as they were accustomed, and (according to the usages of national intercourse) entitled to demand.

He first obtained several personal interviews with the American secretary, but afterwards was informed, by letter, that all "further discussions" were to be in "the written form." It is needless to follow up the weary and profitless correspondence which ensued. The British minister avowed that the cause of the refusal to ratify the agreement was Erskine's departure from his instructions; and that the offensive turn given to the negotiations regarding the Chesapeake, by the introduction of a reproof of the government of Great Britain for not degrading Admiral Berkeley, occasioned the rejection of that part of the business. But what was most galling was the coolness with which the practised diplomatist told the American negotiators that he was there not to reproduce any of Erskine's proposals, nor indeed to propose anything at all, but to receive proposals from the administration, if it had any to offer; and afterwards, if the discussion of them proved satisfactory, to conclude a convention in the name of his sovereign. And when a species of offer was at length drawn from the Americans, Jackson met it only by the counter offer to consult his government about it.

For some two months this correspondence proceeded, but never approached



a resolution of the difficulty,—the United States having, it would seem, taken up untenable ground, which, nevertheless, it would not relinquish; and Great Britain, feeling that much was due to its honour and dignity, which, from the United States, it never could hope to extort. When Congress met for its usual session, on November the 29th, Madison, after expounding the failure of the Erskine negotiation, upon principles which would have condemned Jefferson for refusing to ratify Monroe's treaty, and vindicated Washington for ratifying that negotiated by Jay, was further obliged to relate the new disappointment he had experienced in consequence of the course pursued by the successor to Erskine.

"The correspondence between the Department of State and this minister," said he, "will show how unessentially the features presented in its commencement have been varied in its progress. It will show also, that, forgetting the respect due to all governments, he did not refrain from imputation on this [Madison has omitted to state that his secretary had really commenced this part of the correspondence], which required that no further communication should be received from him. And it would indicate a want of confidence, due to a government which so well understands and exacts what it becomes foreign ministers to show it, not to infer that the misconduct of its own representative will be viewed in the same light in which it has been regarded here."

So did the President decently veil the real feelings of the hour. But this was not the only trouble in which the foreign relations of the Union were involved at this time.

"With France, the other belligerent," continued the President, "whose trespasses on our commercial rights have long been the subject of our just remonstrances, the posture of our relations does not correspond with the measures taken on the part of the United States to effect a favourable change."

And again:—"By some of the other belligerents, although professing just and amicable dispositions, injuries materially affecting our commerce have not been duly controlled or repressed. In these cases the interpositions deemed proper on our part have not been omitted." But it well deserves the consideration of the legislature, how far both the safety and the honour of the American flag may be consulted by adequate provisions against that collusive prostitution of it by individuals unworthy of the American name, which has so much favoured the real or pretended suspicions under which the honest commerce of their fellow-citizens has suffered."

It is, indeed, extremely difficult to explain upon any consistent and conceivable principle, the great difference with which the aggressions of Great Britain upon American commerce (where the outrages, properly so called, were uniformly chargeable upon individuals), and those of France (where the government itself played the pirate), were treated by the President. Of all the depredations committed at sea on the persons and property of American citizens, those of which Englishmen were guilty were the only instances wherein apology, or explanation, or redress was so much as offered. The correspondence with the French government upon the subject of the privateering committed by ships bearing letters of marque, was in the highest degree unsatisfactory; and

whilst no compensation was offered for wrongs which had been complained of, every fresh attempt made by the United States to exact reprisals, or protect their trade against it, was made the occasion and excuse for some fresh aggression. And the sympathy of the Americans for Denmark, on account of the ablation of its fleet by Great Britain, was sadly misplaced; for the French rovers were scarcely so piratical in their seizures of the ships of the United States as the privateers of Denmark were.

Congress, by way of response to Madison's appeal, but not without much and grievous debate, adopted a species of "Navigation Act," in imitation, as to its title and provisions alike (except that these last were more stringent), of the English navigation laws. For it was discovered, and we are not astonished at the discovery, that the commerce of the whole Union was hampered and well-nigh destroyed by the existing restrictions; and that the Democratic south, equally with the Federalist north, was deprived of the very means of living in consequence. The Senate, however, viewed the matter in a different light, and in the end, the two houses coming into collision, no change whatever in the system was made.

Negotiations were also attempted with Britain by means of Pinkney, who was resident minister at London, and a new effort was made in Congress in the form of a suspension of the Non-importation Act for three months after the close of the session, to give time for the belligerents to recall their "Orders" and "Decrees." The war-ships of both nations were also excluded from American ports.

The Emperor Napoleon's reply to the recent measures of Congress, and the representations addressed to him through General Armstrong, was a new decree dated at Rambouillet, on the 23rd of March, 1810, aimed especially at American commerce. Nearly a hundred and fifty vessels belonging to citizens of the United States, which had been captured by French ships, and were waiting trial, were condemned at one swoop, and the proceeds of the sale of them ordered to be placed to a particular account in the imperial treasury. And at the same time, every American vessel entering any port in the possession of France, was declared confiscated.

Little advantage resulted from the efforts of Pinkney at London. And although Jackson was recalled, it was in such a way as indicated most clearly that the government was resolved not to imply that any blame was due to him. The President even thought that it was intended to show that his policy, and the proceedings of his advisers, were rather to be blamed; and provision was made to repay such scorn if it were purposed. Notwithstanding all the impediments which the "Orders in Council" put in the way of the renewed trade of the American ships, or were alleged to offer to it, the commerce with Great Britain revived considerably, and the British government very prudently fostered it to the fullest extent of the limits allowed by those "Orders," and even beyond them.

This, however, was not what the French emperor desired to see; accordingly, with that diplomatic veracity in which he excelled Talleyrand himself, he set himself to foment the discontent which was entertained against Great Britain, and to throw upon the hands of his powerful and only dreaded adversary, a new



foe, who would not be, as he hoped, so easily shaken off as some of those he raised up in Europe had been. Skilfully availing himself of the terms of the conditions of the suspension of the Non-intercourse Act, he announced to the government of the United States the recall of the "Decrees" of Berlin and Milan, on the 1st of November following, provided that the British "Orders in Council" should also be revoked, or the United States should "cause their rights to be respected by the English."

Pinkney and the administration generally, were deceived by this announcement, but the British government refused to accept anything short of an unconditional and immediate revocation of those "Decrees." And it was justified in its refusal to be contented with that which imparted such great contentation to the Americans, by the continuation of the confiscation of United States' vessels in French ports, as if no such professions of amity had been made. And yet Madison accepted the Emperor's conditional abrogation of these "Decrees," as if it had been absolute, and issued a proclamation which was, in reality, the formation of a league with France against England.

Early in 1811, notwithstanding all the fair promises by which the President had been deluded into assuming an almost definitively hostile attitude in regard to Great Britain, it was made plain that not the least shadow of compensation, or any other species of redress, might be expected from France, on account of the seizures and confiscations, the depredations and aggressions on the trade and the citizens of the United States, made either by her government vessels or by privateers. And almost coincidently with this, in the course of the debate on the bill for enforcing (by one of those monstrous *non-sequiturs* that party—if we should not rather style it faction—is capable of) non-intercourse with Great Britain, the question which had been quietly shelved in all the negotiations, and used only as a *cheval de bataille*, which would bear down whole ranks of the opposition at once—the question of impressment—was brought up again in Congress. But we shall see it was only for party purposes, and like the state-swords of our ancestors yet extant in the Tower of London, and other so-called "armouries," it was only for the show of a most redoubted weapon, that this was brought out from its dust and cobwebs, and flourished in the faces of the members of Congress with but little effect.

The United States may justly claim, in connection with "this Second War," the glory of having led the way in expounding practically the law of nations in three very prominent particulars. First, in the denunciation of privateering. Jefferson, we shall see, was but a half-hearted believer in this. Next, in the insisting upon the inviolability of the trade of neutrals, or, as it really signified, in insisting upon the distinction between rulers and people in carrying on a war by commercial restrictions. And lastly, in maintaining that no blockade shall be deemed such, that is not actually one.

In the spring of 1811, two movements occurred almost simultaneously, which showed most clearly the direction in which affairs were moving. Pinkney, finding it impossible to persuade the ministry of the monarch of Great Britain, that the recall of the "Berlin and Milan Decrees" was anything more than conditional, and yet more difficult to induce them to renounce the system of paper blockades, left London. He was more successful, because it was his own

government that he had to convince about the compensation for the Chesapeake affair, which was now at last put in a fair way of being settled, both parties consenting to the same terms.

A new ambassador was also appointed to renew the negotiations at Washington, Augustus J. Foster, who came charged especially, if not exclusively, with the old proposals respecting the Chesapeake, which by Pinkney's efforts had already been as good as accepted. It yet seemed possible that affairs might take a favourable turn, and by forbearance on one side, and good sense on the other, the shameful spectacle of two nearly related nations at war about mere speculations and fantasies, be spared the world; when at this very time occurred a transaction which postponed the settlement of all the disputed points, and raised anew that ferment which by war alone could be appeased.

"The English," says Cooper, "increased their cruisers on the American coast, in proportion as the Americans themselves did, though their vessels no longer lay off the harbours, impressing men and detaining ships. It was seldom that a British cruiser was now seen near the land, the government probably cautioning its commanders to avoid unnecessary exhibitions of this sort, with a view to prevent collisions. Still they were numerous; cruised at no great distance; and, by keeping up constant communications between Bermuda and Halifax, may be said to have intercepted nearly every ship that passed from one hemisphere to the other."

And now let our readers picture to themselves Commodore Rodgers, on board the *President*, 44, Captain Ludlow, then anchored off Annapolis:—Information is brought him that a man had been impressed from an American brig, by an English vessel, supposed to be the *Guerriere*, 38, Captain Dacres, off Sandy Hook. He is the senior officer of the navy afloat, and the sacred ark of the constitution is in danger; at once he weighs anchor and makes all sail for New York, "to inquire into the facts." It is the 10th of May, 1811. On the 16th, at noon, a sail is made. It is soon perceived, by the squareness of her yards and the symmetry of her build, that she is a vessel of war; and the American frigate stood for her, "with the intention to get within hail."

"At 2 P. M."—we are following Cooper mainly, "the *President* set her broad pennant and ensign. The stranger now made several signals, but finding they were not answered, he wore and stood to southward." In fact, for discretion is always the better part of valour, the stranger ran away, perceiving that the *President* carried twice his number of guns, and that to provoke a contest was simply to run into destruction,—independently of the fact that there was no war between Great Britain and America then. The *President* gave chase, discerning at least that the stranger was a smaller vessel; and for six hours and more it was a match in which the bigger ship was the winner, both as to speed and manœuvring, as it might well be.

Near half-past eight, Commodore Rodgers, bringing up on the weather bow of the stranger, "a little forward of his beam," hails,—"*What ship is that?*" Stranger also hails,—which we, considering ourselves entitled to an answer before asking a new question, do not reply to, but repeat the hail; responded to as before, which we not choosing to hear, deny *in toto* afterwards. What followed happened so quickly, and both crews were in such a state of excitement,



that no clear or consistent story can be collected out of the reports made by the officers of both ships. Only this is certain, that both ships fired on each other, neither having received an answer to her hail; and that from single guns it grew to a broadside.

Whichever vessel deserves the blame of having commenced this action, the President undoubtedly has borne away the peculiar glory of engaging with a vessel of half her strength only, on the same terms as if she was an equal. Cooper alleges that it was not until fully engaged that the President perceived this inequality in the strength of her antagonist, and that orders were immediately given to cease firing, which were not all at once obeyed. The crew on the other ship were unhappily not aware of this cessation, neither did they know how generous the intentions of their enemy were; but, according to their usual custom, fought on, until at the end of about three-quarters of an hour, they found themselves so completely disabled, as to be compelled to discontinue the combat. From Rodgers' account it would all seem to have been over in less than half that time.

In reply to a third hail by the American, the crippled ship announced herself a British ship of war, but the name was inaudible. "Satisfied that his late opponent was disabled, and having no desire to do more than had already been accomplished, Commodore Rodgers gave the name of his own ship, wore round, and running a short distance to leeward, he hauled by the wind again, with a view to remain near the English vessel during the night. The President kept lights displayed, in order to let her late antagonist know her position, and wore several times to remain near her.

"When day dawned, the English ship was discovered some distance to leeward, her drift in the night having been considerable. The President bore up under easy canvas, and running down to her, a boat was lowered, and Mr. Creighton, the first lieutenant, was sent on board with an offer of services. The stranger proved to be his Britannic Majesty's ship, *Little Belt*, 18, Captain Bingham." Thirty-two of her people had been killed and wounded; but the captain declining the services of Commodore Rodgers, the vessels parted, and the ships returned to their respective harbours. Two round shot alone struck the President, one in the main-mast, the other in the fore-mast; and of all the crew, only a boy was slightly wounded by a musket-ball. In matters of this kind it is very difficult to get the least clue to discovering the truth of the conflicting statements; but this result does, we must confess, square much better with the tale of the British officers than with the American account. And in addition to that, the consideration adduced by Alison seems to be unanswerable:—"It is hardly credible that a *sloop with eighteen guns, and one hundred and twenty-two men*, should provoke a contest with a frigate of forty-four, manned by four hundred."

It is alleged by Cooper, that "no political consequences followed this rencontre;" which again confirms the English account. We must, however, enter our protest against the tone and spirit of the following remarks. "The *Little Belt* having suffered even out of proportion to the disparity of force between the vessels, the American government was satisfied with the punishment already inflicted upon the assailants; while the English government could not well

demand reparation, without demanding that the American functionaries should not believe their own officer. After some communications on the subject, and an exchange of the testimony that had been given, nothing further appears to have been done, or contemplated, by either government." The fact is that this was regarded, tacitly perhaps, but certainly regarded as a set-off against the Chesapeake affair; and in this view of the subject the whole truth of the matter is involved. The democratic newspapers, with their usual regard to veracity, roundly asserted that the attack of the Little Belt was in consequence of her having carried off some American seamen!

We shall not enter into Cooper's "brief examination" of certain "general principles" involved in this case, because they are totally irrelevant to the case in question, how pertinent soever the discussion of them may be to the war in general. They do not take into account the facts of the intense animosity entertained on board all the American vessels of war against Great Britain;—the burning determination to avenge by any means the attack made upon the Chesapeake by the Leopard;—the excessive inferiority of the British vessel, in size, armament, and crew, to that of Commodore Rodgers;—nor the inevitable inference to be drawn from the very next incident in the war, which he himself relates, and which we will give in his own words.

"Not long after the meeting between the President and the Little Belt, the United States, 44, bearing the broad pennant of Commodore Decatur, fell in with the Eurydice and Atalanta, British ships, off New York; and while the commanders were hailing, one of the seamen of the former vessel [United States], in carelessly handling the lanyard of his lock, fired a gun. ["This," Cooper adds in a note, "was the excuse of the man. Commodore Decatur believed that the gun was fired *intentionally* by its captain, *with a view to bring on an engagement*. So strong was the feeling of the seamen of the day, that such an occurrence is *highly probable*."] The reader will learn in this fact, the high state of preparation that then prevailed in an American man-of-war; the lock having been cocked, and everything in perfect readiness to commence an action at a moment's notice. Happily both parties were cool and discreet, and proper explanations having been made, the English commander was entirely satisfied that no insult or assault was intended." Remembering that the nations were not yet at war, it is much more than "the high state of preparation" which is exemplified by this instance; while the conduct of the commanders of the two British war-ships forms an instructive contrast to that of Rodgers, as described by himself.

Foster found the American government still so pressing with regard to the Chesapeake affair, that nothing except the reinforcement of Commodore Rodgers' statements by those of the other officers of the ship could be obtained; and he desisted from his attempts to gain anything else, and urged the acceptance of the reparation offered for the injury to the Chesapeake; which was at last agreed to, but not without a new protest against the removal of Admiral Berkeley to a superior command, which to Monroe did not appear a sufficient reprimand for the part he had taken in the business.

At the same time he made, in the name of his government, several very important concessions respecting the right of blockade, which was one of the



chief subjects of complaint by the Americans ; who, on their side, endeavoured, by the parade of some American vessels that had been seized by the French authorities, and subsequently released, to make the British resident, and the ministry at London, believe that Napoleon had actually revoked his "Decrees," as far as they were concerned. The motives which led to this very ineffectual attempt to cajole the experienced diplomatists of Great Britain are not easily discovered. It might have been contempt of Britain, or want of diplomatic skill, or intense partisanship towards France, or merely a device to gain time ; or, as it seems to us very probable, all these feelings may have operated in leading to the use of this argument, which was belied by the rigid enforcement of the "Decrees" by the French government generally, and by the fact that at this very time a new envoy was despatched to Paris, to complain of the continuance of the depredations committed on American merchant vessels, under those "Decrees ;" and of the refusal of all compensation for the injuries formerly inflicted in the same way.

With the beginning of November, this year, 1811, came the annual assembly of Congress, and the customary Message. In this document Madison expressed his disappointment at the disbelief respecting "the extinction of the French Decrees," manifested by the British government ; and added the information, that the administration had been "given to understand, that a continuance of the Non-importation Act would lead to measures of retaliation" by Great Britain. He also declaimed against "the unfriendly spirit" of the communications made by the British ministers, and represented the Little Belt affair itself as a wrong committed against America.

"Congress will feel the duty," continued Madison, "of putting the United States into an armour and an attitude demanded by the crisis, and corresponding with the national spirit and expectations." And accordingly, the great effort of the legislature was devoted to this twofold object. As one historian of this administration remarks,—“A bolder and more defiant tone was now assumed by the democratic members of Congress, particularly by those from the southern and western states. The inactivity and indecision which had characterised the policy of the dominant party in former years were laid aside, and warlike measures of the most decided stamp were promptly adopted.

"Bills were passed at this session providing for the enlistment of twenty thousand men in the regular army ; for repairing and equipping the frigates in ordinary, and building new vessels ; and authorising the President to accept the services of fifty thousand volunteers ; and to require of the executives of the several states and territories, to hold their respective quotas of one hundred thousand men, fully organised, armed, and equipped, in readiness to march at a moment's warning. Funds were also appropriated to enable the executive to carry these provisions into effect.

"It was with some reluctance, in view of the exposed condition of the country, and the lack of means for carrying on a war with one of the first powers in the world, that Mr. Madison acquiesced in these measures, although he saw their necessity. While he hesitated, he was waited upon by several of the leading democratic members, who assured him that the popular feeling was

setting strongly in favour of a war, that the friends of Mr. Clinton were taking advantage of his timidity, and that if he desired to sustain himself, it was necessary for him to take a bold and decided stand." It is very needful for us, in our estimate of this whole affair, to take into account this conference, and these arguments proffered by the republican leaders to the chief magistrate of the nation, to persuade him not to delay to recommend a declaration of war. The partisan and even personal tone of them will abundantly elucidate many of the features of the negotiations, or rather intrigues, which have been, or yet remain to be, related.

"Mr. Madison," we are further told, "was by no means averse to the war, though a man of peace in principle and in practice; but he feared that Congress would either be unable or unwilling to provide him with the necessary supplies of money and men, to carry it on to a successful issue. Furthermore, his cabinet officers, though not undistinguished for talent, were hardly fitted for the emergency; and some diversity of opinion likewise existed among them. Mr. Gallatin was openly and avowedly opposed to a war, and Mr. Pinkney believed it premature to hurry on hostilities while so little preparation had been made. Mr. Granger was not opposed to a war, but was unfriendly to Mr. Madison, and secretly operating, in connection with Obadiah German, one of the democratic senators from New York, for the elevation of Mr. Clinton to the presidency. Mr. Monroe was the only military man in the cabinet, and his experience had been limited. The secretaries of war and the navy were estimable men, but not at all calculated for directing the operations of armies and fleets in a state of war. As for the President himself, he did not profess to have any acquaintance with military matters."

It would be vain to endeavour to present any sketch of the arguments, or substitutes for them, by which the dominant party strove to make Congress the instrument for pushing this pacific cabinet to take the irrevocable step of plunging the nation into war. How Randolph thundered, his fiery oratory heated tenfold hotter by his indignation at finding himself in the opposition, when the administration was carrying into execution the things he had most at heart, and he had by turns to denounce and to vindicate every principle he held; how the possession of a navy was now proclaimed as the only hope for the salvation of the country, and now scornfully pointed at as a vain and traitorous scheme of the Anglicising Federalists; how Gallatin consented to sink his own opinion and to devise the means of carrying on this war, if Madison could but be driven to begin it, by the fear of losing his chance of re-election to the presidential office;—all this, after what we have related, we do not need at length to tell, it will be sufficient to have hinted thus at what took place in the Federal legislature during this extraordinary session, which lasted from the beginning of November to the following July.

Some incidents, however, require a fuller mention. On March the 9th, 1812, Madison transmitted to Congress the papers, &c., relating to "the Henry affair." To this we have already referred, when speaking of the alleged treason of New England; and from that reference, the general nature of this communication may be readily understood. Ostensibly an accusation of Great Britain, this Message, with its enclosures, was in reality aimed at the Fede-



ralists of the eastern states, whose resolute common sense was the most formidable obstacle which lay in the way of the party which was bent upon hostilities with the mother country; and it did greatly increase the impetus of the democratic movement, if it did not weaken its opponents.

These letters were presented by the President, as proving "that, at a recent period, whilst the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality towards Great Britain, and in the midst of amicable professions and negotiations on the part of the British government, through its public minister here, a secret agent of that government [this was just the point where the charge broke down, there being no means of connecting Henry's mission with any more influential member of the British government than the Governor-general of Canada] was employed in certain states, more especially at the seat of government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation, and in intrigues with the disaffected, for the purpose of bringing about resistance to the laws, and eventually, in concert with the British force, of destroying the Union, and forming the eastern part thereof into a political connection with Great Britain."

The implications of this short "message," which the facts of the documents did not bear out, are too numerous to specify here; but it is remarkable, that notwithstanding the charge against "certain states," Madison should conclude by lauding "*that happy union* of these states, which, under Divine Providence, is the guarantee of their liberties, their safety, their tranquillity, and their prosperity."

What Henry had actually done in New England was in brief this. Having on former occasions afforded to the Canadian governor "information and political observations"—about Canada, perhaps, and the intrigues, or small-talk about intrigues, that were always rife in the American border towns, for joining the British provinces to the American Union,—he was, in 1809, invited by Sir James Craig to undertake "a secret and confidential mission to Boston," on the very vague promise, "there is no doubt that your able execution of such a mission, . . . would give you a claim . . . on his Majesty's ministers." Accepting this undertaking, the Americanised Irishman, who had peddled in many different trades in his time, went through Vermont and New Hampshire to Boston.

"There are many persons," wrote Sullivan in 1833, "that remember John Henry, and that he was in Boston in 1809. But no one ever heard it suggested that he was a British agent. He was said to be engaged in some sort of land speculation; but very few knew or cared how he was employed. He was a handsome, well-behaved man, and was received in some private families."

When we noticed this affair before, we gave a few extracts from the letters of this "agent," and promised some more on this occasion of returning to the subject. The following are all from letters written at Boston after the installation of Madison as President, and when the foreign relations of the Union, those with Great Britain especially, were assuming a somewhat different appearance. His plan for defeating the Non-intercourse law, and his suggestions respecting the different courses to be pursued on various suppositions

respecting the object of Great Britain, in her dealings with the United States, we do not quote.

"An unpopular war, that is, a war produced by the hatred and prejudices of one party, but against the consent of the other party, can alone produce a sudden separation of any section of this country from the common head." Which has the semblance of correct observation. Not so the next sentence. "It cannot be necessary to the preservation of peace, that Great Britain should make any great concession at the present moment."

"I lament the repeal of the Embargo," he adds, "because it was calculated to accelerate the progress of these states towards a revolution that would have put an end to the only republic that remains to prove that a government founded on political equality can exist in a season of trial and difficulty, or is calculated to ensure either security or happiness to a people." Which betrays a very unamiable weakness on the part of Mr. John Henry, but does not show that New England was disposed to seek refuge, even from the Embargo, in the lion's mouth.

"Those who consider the only true policy of America to consist in the cultivation of peace, have still great confidence, that nothing can force him [Jefferson] (or his successor [Madison], who acts up to his system, or rather is governed by it) to consent to war. They consider all the menaces and 'dreadful note of preparation' to be a mere finesse, intended only to obtain concessions from England on cheap terms."

"A war attempted without the concurrence of both parties, and the general consent of the northern states, which constitute the bone and muscle of the country, must commence without hope, and end in disgrace."

"The men of talents and property now prefer the chance of maintaining their party by open resistance, and a final separation, to an alliance with France and a war with England."

"Had the majority in the New England states continued to approve of the public measures, it is extremely probable that Great Britain would now have to choose between war and concession. But the aspect of things in this respect is changed, and a war would produce an incurable alienation of the eastern states, and bring the whole country in subordination to the interests of England, whose navy would prescribe and enforce the terms upon which the commercial states should carry, and the agricultural states export, their surplus produce. All this is as well known to the Democrats as to the other party; therefore, they will avoid a war, at least until the whole nation is unanimous for it."

The Erskine negotiation, the failure of which has been noted in this chapter, "has given much satisfaction to the Federal party here," he says, "because it promises an exemption from the evil they most feared—a war with England—and justifies their partiality towards Great Britain, which they maintain was founded upon a full conviction of her justice and sincere disposition to preserve peace. Even the Democrats affect to be satisfied with it, because, as they insist, it proves the efficacy of the restrictive system of Mr. Jefferson."

"The Democrats consider their political ascendancy in a great measure



dependent on the hostile spirit that they can keep alive towards Great Britain; and recent events demonstrate that their conduct will be predicated upon that conviction."

"Recent changes," he writes in the beginning of May, "quiet all apprehension of war, and consequently lessen all hope of a separation of the states."

"The parade that is made in the *National Intelligencer*, of the sincere disposition of Mr. Madison to preserve amicable relations with Great Britain, is, in my opinion, calculated to awaken vigilance and distrust, rather than inspire confidence."

"Weak men," he says, rising for once to the grade of a moral philosopher, "weak men are sure to temporise when great events call upon them for decision, and are sluggish and inert at the moment when the worst of evils is inaction. This is the character of the Democrats in the northern states. Of those of the south I know but little." We should rather have expected him to say that the *Federalists* had acted thus; his ascribing a temporising course to the Democrats renders his whole testimony suspicious.

"I beg leave to suggest," writes he, three weeks later, "that in the present state of things in this country, my presence can contribute very little to the interests of Great Britain. If Mr. Erskine be sanctioned in all he has conceded, by his Majesty's ministers, it is unnecessary for me, as indeed it would be unavailing, to make any attempt to carry into effect the original purposes of my mission."

Sir James Craig hereupon recalled his "agent;" for "the original purposes of his mission" were not such as to require mere disquisitions upon American politics in general. But lest any mistake should arise, we will give in the Governor-general's own words, "most secret and confidential" as they were, a full statement of those "original purposes."

"It has been supposed," so he wrote to Mr. Henry in the way of *instructions*, "that if the Federalists of the eastern states should be successful in obtaining that decided influence which may enable them to direct the public opinion, it is not improbable that, rather than submit to a continuance of the difficulties and distress to which they are subject, they will exert that influence to bring about a separation from the general Union. [Sir James is not very lucid here. If the Federalists could ever have acquired the lead in the Union, they would have shaped the course of public affairs according to their own political theory, and Congress would have been the instrument they employed. "Separation from the general Union" would not have been dreamt of then by any but the Democrats, and they would have done more than dream.] The earliest information on this subject may be of great consequence to our government; as it *may* also be, that it should be informed how far, *in such an event*, they would look up to England for assistance, or be disposed to enter into a connection with us."

Two years after the date of these letters, we find Henry in England, attempting, but in vain, to obtain from the government there some compensation as for services rendered, or some admission, at least, that he deserved compensation. All he succeeded in procuring was a recommendation to his actual employer in his "secret and confidential," but most bootless "mission,"

or his successor in office, to give him any other occupation, that he might be considered qualified for; and with this very imperfect identification of his "mission" with the imperial affairs of Great Britain, he made his way back to America.

But instead of going to Canada, Henry made his next appearance at Boston; and with him was "Count Edward de Crillon," of whom we shall hear more presently. His zealous wrath against republican governments, which had led him, according to his own tale (or more correctly, according to Count Crillon's report of his own tale; for we have to deal with such a tangle of knavery that we must be as specific as possible), to write against the United States' government, and to act as "agent" to the British governor-general, for no one knows what purpose,—all his zeal had died out; and now the wrongs of his native country, Ireland, fired his soul, and he was determined to be revenged against Great Britain by *selling* to the United States' government, if they would buy them, the documents relating to his "mission."

Armed with an introduction to the President, from Gerry, governor of Massachusetts, Henry offered his papers for sale at Washington. "When," says Ingersoll, with great fairness, "Henry proffered his tale for a bribe, Madison's administration, consisting of Monroe, Paul Hamilton, and Pinkney—Monroe and Pinkney, with European proneness to suspicion of European government—all with southern opinions of eastern people, eagerly caught at the disclosure at any price, and counselled the importance of its solemn publicity." So the whole secret service fund, as the same writer (impartial in this case) says, was poured into his lap; and amongst Monroe's papers there was found his original receipt, given to John Graham (whom we have seen employed as an "agent" from the administration, to spy out the disloyalty of New England), and dated February the 10th, 1812, for *fifty thousand dollars*, "on account of the public service!"

Henry had affected considerable mystery at Washington; keeping within doors all the day, and stealing out to pay visits only in the dusk of evening; and he made his stay there pay well, for he remained but ten days, departing on the 11th of February to Baltimore. The letter addressed to Monroe, in which he "voluntarily tenders" to him "such means as he possessed towards promoting so desirable and important an object," as "unanimity amongst all parties in America"—meaning, thereby, his budget of letters, which are truly a somewhat remarkable olive-branch;—that letter bears date, Philadelphia, February the 20th; and on the very day of Madison's communication of his costly purchase to Congress, the patriotic Irishman left the country for France in a government war-sloop.

Sullivan suspects Madison of having timed the publication of Henry's documents by means of Congress, so as to further the re-election of Gerry as governor for Massachusetts; but it is much more probable that the communication of them was postponed solely to give Henry time to leave the country, that no explanation might be possible.

Much more to the purpose is the suggestion, that the President had a very imperfect notion of the contents of Henry's letters before he paid the enormous price that was demanded for them. Madison could scarcely have been pleased



when he found in them such criticisms upon himself and his predecessor as the following :—

“The past administration, in every transaction, presents to the mind only a muddy commixture of folly, weakness, and duplicity.”

“Although it is believed that there is no probability of an immediate war, yet no doubts are entertained that Mr. Madison will fall upon some new expedient to bring about hostilities.”

“The observations made on his friendly disposition to Great Britain is a matter of no little astonishment. The whole tenour of his political life directly and unequivocally contradicts them: his speech on the British treaty in '99 [*sic*]: his attempt to pass a law for the confiscation of ‘British debts,’ and British property; his commercial resolutions, grounded apparently on the idea of making America useful as a colony of France; his conduct while Secretary of State; all form an assemblage of probabilities tending to convince me, at least, that he does not seriously desire a treaty in which the rights and pretensions of Great Britain would be fairly recognised.

“It seems impossible that he should at once divest himself of his habitual animosity, and that pride of opinion which his present situation enables him to indulge; but, above all, that he should deprive his friends and supporters of the benefit of those prejudices, which have been carefully fostered in the minds of the common people towards England; and which have materially contributed to invigorate and augment the Democratic party.”

How he could bring himself to allow them to be placed amongst the “historic monuments” of the nation is conceivable only on the supposition, that by insisting energetically in the introductory Message upon the proofs of British intrigues and New England’s collusion with them, he hoped to make all these statements seem no more than echoes of the party-speeches of the Federalists: whereby, instead of damaging him in the esteem of his supporters, their ire would be excited so much the more hotly against their rivals, and his seat would be the firmer.

“The most ridiculous part of the affair,” says Sullivan, “was the sending of these papers to Congress, which could do nothing with them. They were in compliment to Mr. Madison, and to make some show of money’s worth [this is a mistake, for the payment was kept secret, and Congress was left to the natural conclusion from Henry’s letter, written ten days after he had pocketed the 50,000 dollars, that it was a “voluntary” affair on his side;], committed, with power to send for persons and papers.”

Monroe, in reply to a requisition of the Senate, “had the honour,” as he said, “to report that his department was not in possession of any names of persons in the United States, who had, in any way or manner whatever,” laid themselves open to a charge founded upon Henry’s letters. And there was, in fact, no one to send for but the *soi-disant* “Count Edward de Crillon.” This companion of the British “agent” was, therefore, examined by the committee, and told a very round story; ending, however, with the deposition, that Henry had not mentioned the names of any persons, as those he had conferred with during his “mission.”

No doubt can rest upon the mind of any one who has seen the least of men

and things as they are, respecting the character and worth of this "De Crillon's" story. It betrays the *charlatan* at the outset, and suggests very uncomfortable thoughts of scoundrelism, before half of it has been read. The statesmanship of the administration suffers not a little, as we perceive that credence was given to such an impudent quack; and when we read in the final report of the committee such a sentence as this,—“The circumstances under which the disclosures of Henry were made to the government, involving considerations of political expediency, have prevented the committee from making those disclosures the basis of any proceeding against him.” For Henry had left America more than a week before; and the leaders of the party knew that Madison had paid him pretty handsomely for his secret services to the Canadian governor-general.

Some doubt is cast upon the authenticity of the original papers, by the evidence of this Crillon, and the committee felt the weight of it, and examined them for themselves in consequence, that they might be able to make a report concerning their genuineness, which should be “satisfactory to the house.” How the report further re-echoed Madison's virtuous platitudes concerning the perfidy of the British government, no one needs to be informed; or to have even a hint given of the real meaning of this display of righteous abhorrence of such naughty ways. And yet the British minister at Washington had already, in the most emphatic manner, disclaimed on his own part all knowledge of Henry and his business; and had disavowed, in the name of his government, any participation in, or countenance of, schemes hostile to the internal tranquillity of the United States.

On the first divulgence of these letters, the excitement throughout the country was great enough; but when the nature of them became known, and it was discovered that the administration could only bring the testimony of a man like the “Count de Crillon,” of worse than no character, to support them, it soon died away. But not without increasing the animosity of one section of the country against the British government, and reconciling them to the notion of a war with that nation; nor without adding to the exasperation and enmity of another section against the administration itself, and embittering their opposition to the foreign policy of the President.

As Dwight has remarked in his “History of the Hartford Convention,”—“It is much to be regretted, that for the honour of the country, and the character of the government, this whole proceeding was ever suffered to see the light. It ought to have occurred in secret session, and been buried in deep oblivion. Unfortunately, it was found expedient to publish the documents to the world, and they must, of course, for ever remain as evidence of the unworthy spirit by which the government was actuated on that memorable occasion.”

Negotiations were still proceeding both at London and at Washington. Jonathan Russell, *chargé d'affaires* for the United States, at the former place, finding that the British government still stood upon the fact (which was afterwards demonstrated to be such, and their conduct thereupon vindicated, although too late to avert the war), that the French “Decrees” were not recalled, wrote to Monroe,—and the words were repeated until they became historic,—“I no longer entertain hope that we can honourably avoid war.”

Passing over the debates in Congress, acrimonious and loud as usual, we



proceed at once to the war Message, which was sent to Congress on the 1st of June, 1812. In this paper, Madison presented to the legislature a *pro forma* recapitulation of all the charges, which in Congress, in diplomatic intercourse, in newspapers, and by every other vehicle of incrimination, had been urged against Great Britain; putting them in the light in which the Democratic party insisted upon viewing them. Thus, the outbreak of hostilities on the Wabash, which we have fully investigated, and with which we have seen the British connected only by statements for which no shadow of ground or proof was offered,—this is enumerated amongst the grievances which justified an appeal to arms. And in the same spirit, although the complaint was made, that France, “since the revocation of her Decrees” (which, it will be seen, were *not* then known to be definitively revoked), had “authorised illegal captures, by her privateers and public ships,” whilst “other outrages had been practised on our vessels and our citizens;” and “no indemnity provided, or satisfactorily pledged, for the extensive spoliations committed under the violent and retrospective orders of the French government;”—notwithstanding all this, the President “abstained from recommending definite measures with respect to that nation,” because of certain “unclosed discussions,” between the American ambassador and the government at Paris;—a reason which might with equal or greater force have applied to the quarrel with Great Britain, since “unclosed discussions” existed between the minister of that nation and of the United States, both at London and Washington.

On the 18th of June, Congress having considered the Message, and accepted a *manifesto* in the form of a Report from the Committee of Foreign Relations, passed an act declaring the existence of war with Great Britain, and authorising the executive to take instant measures for the effectual prosecution of it by land and sea. And on the 19th the proclamation of war was issued by the President. A majority of seventy-nine against forty-nine carried the declaratory act through the House; and a vote of nineteen carried it against one of thirteen in the Senate. The terms of the act, as well as those of the manifesto and proclamation, are of too little interest to require particular notice here.

Great events were meanwhile moving on in Europe. Napoleon, now on the eve of setting out upon his memorable Russian expedition, proceeded to disencumber himself of the importunities of the American minister, with his customary disregard of veracity. In the course of a conversation with Barlow, in May, this year, the Duke of Bassano, pressed by the American (who suspected an unwillingness to communicate with him), somewhat sharply, to his amazement, produced a Decree, bearing date April the 28th, 1811, by which the “Decrees of Berlin and Milan were definitively” “considered as not having existed, in regard to American vessels,” from the 1st of the foregoing November. This decree, which, had it been made at the time alleged, would have satisfied the requirements of Great Britain, and the more moderate requests of America alike, put an end to every just ground of complaint, and prevented the war, Bassano admitted had not been published; but he insisted that it had been communicated to Barlow’s predecessor, and also to the French ambassador at Washington, both of whom, we may say, positively asserted that they had never seen it, or even heard of it, till after this pro-

duction of it to Barlow. And it was "*motivé*," as if for the very purpose of exposing its own fraud, the extent of Gallomania in the administration of the United States, and the justice of the proceedings of the British government, by the Non-intercourse Act of Congress against Great Britain, that had been passed solely on the ground that the exception professedly made, by this decree, in favour of American shipping, was already in force!

Bassano consented to furnish Barlow with a copy of this decree, and he with great judgment and promptitude forwarded it at once to Russell, at London, in the hope that it might demonstrate there, what nothing short of its production could have demonstrated, and most reasonably so, that Napoleon had at last recalled his "Decrees" as far as they bore upon the United States, and that so the far more injurious "Orders in Council" might be revoked.

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### CHAPTER III.

CAMPAIGN OF 1812.—OPERATIONS ON THE CANADIAN FRONTIER.—SUCCESSES AT SEA.—PRIVATEERS.  
—ABORTIVE ATTEMPTS AT NEGOCIATION.

LONG before the declaration of war, it was determined that Canada should be invaded. There was, indeed, no other aggressive movement possible; and having pledged themselves to take the initiative in hostilities, they were bound to do something to justify their sudden breaking off of the negotiations which were still in progress with Great Britain, and appealing to arms. It was so well known that this, which in one form or another was the only thing possible, would be attempted, that when the fiery Randolph denounced the whole war policy of the administration, he contemptuously referred to it, and to the vainglorious confidence of success exhibited by those who purposed thus to bring Great Britain to terms. "This Canadian campaign, it seems, is to be a holiday affair; there is to be no expenditure of blood or treasure on our side. Canada is to conquer itself!—is to be subdued by the principles of French *fraternity*! We are to succeed by this French method! Our whole policy in fact is French! But how dreadfully might not this sort of warfare be retorted on our own southern states!"

But as soon as the invasion was actually begun, war having been declared, it proved to be a measure of precisely the same sort, that every one, from the very commencement of the Jeffersonian administration of the foreign relations of the Union had been; in fact, a mere *contresens*. Let us rapidly review this too consistent line of policy; for unless we retain a lively impression of it, the whole of this opening campaign will be unintelligible.

Neutrality as to the quarrels of other nations, commercial alliances with any and all, and both an army and a navy of sufficient strength to represent the power of the United States, and to give weight to the Federal government



in its dealings with other governments, were the principles of both Washington and Adams ; and we have seen the happy results of them. We saw, too, how the ultra-Federalists, deserting these principles, when Adams made peace with Napoleon, refused to concur in his re-election, in 1801, and thereby destroyed their party and influence for ever.

With the same words on his lips, Jefferson, whilst head of the Department of State under Washington, when afterwards the leader of the opposition, and yet more as President from 1801 to 1809, for the sake of preserving the alliance with France, which he interpreted far more widely than a commercial connection, sacrificed more than was consistent with the honour of the nation, and incurred the blame of unbecoming submissiveness to its exactions ; and in his dealings with Great Britain demanded, and often with imperious petulance, the fulfilment of every tittle of the most extensive claims that could be set up, with any show of right, in behalf of the United States—and even more than that ; whilst he strenuously exerted himself to reduce both army and navy, for the sake of lessening the burdens of the nation, and not caring for commerce (since his supporters were but little concerned in it), he thought by non-importation acts and embargoes, to compel the compliance of Great Britain with all his demands. Foreseeing the probability of war as the upshot of his line of policy in respect of Great Britain, he adroitly contrived to stave it off during the term of his own administration, and left it to be got through by his successor.

Madison pursued the same course as Jefferson had followed ; for, in truth, he could not lift public affairs out of the ruts in which they were moving, when the reins were put into his hands. Politically, he disliked the prospect of war as greatly as Jefferson did ; personally, he felt a far greater distaste for hostilities. Unable to strike out an independent scheme of conduct, and wanting the earnestness to attempt even the discovery of what it would be right to do, when he saw what lay before him as the consequence of his management of the relations of the Union with Great Britain, he temporised, and then suffered himself to be overridden by a minority of his own supporters, and forced into a war, merely to secure the enjoyment of a second term of power, as chief magistrate of the nation.

The quarrel of the United States with Great Britain, which thus arose, and by this means was conducted to the stage we have seen, was in the name of *commerce*, but it was promoted by those who had no interest in commerce, and was detested and opposed by those who cultivated trade. It was directed against Great Britain solely, whilst both Great Britain and France had committed depredations upon American commerce ; and whereas, those committed by the former power did not equal those committed by the latter, or by its procuring, and were, whenever it was equitable, or a case was proved, compensated for ; none of those, confessedly groundless, committed by France were compensated for. And further, it was directed against Great Britain, although the trade with that country was ten times greater in extent than the trade with France, and was worth far more to the whole country, southern as well as northern, than that of all the rest of the world.

The impressments by which Great Britain manned her navy, there can be

no doubt, were an atrocity when perpetrated against her own subjects; and therefore of surpassing malignity when persevered in against the citizens of an independent nation. But the number of instances was grossly exaggerated in the statements put forth before the war, and since also. Moreover, Great Britain had offered to repair the wrong as far as could be, or as was just, in respect of genuine Americans; and, after all, when the war was over, and a treaty made, that question was left unsettled, although it had been paraded before the public in the States, as if it were the only one principal ground of dispute; and although, in this respect also, it was rather the northern and eastern states that should have felt the injury most acutely. Yet again, whilst the United States' government was rousing the ire of the most excitable classes of the community, by their statements on this subject, they suffered the question to be embroiled by giving certificates of citizenship to those who were no citizens, and maintained them when they had been bartered and sold, and were found in the hands of men who had never been in America in all their lives: and they refused to allow the British authorities to recover their deserters, sheltered them, and gave them employ on board their public vessels, notwithstanding their outcry about the manumission of fugitive slaves by the British, and their refusal to give up, without evidence of citizenship, those who claimed to be Americans.

The invasion of Canada, as we have said, was to be the "opening" of the war; and it was planned that "the first move" should be made at the very extremity of the province, by an inroad from Michigan territory, to be followed up by a movement on the Niagara frontier. Canada was then but sparsely populated, especially in the interior, and the forces there were necessarily not numerous. The military strength of the province was disposed at various posts along the frontier line and the coast, nearer to the Atlantic. General Hull (raised to that rank for the purpose), governor of the Michigan territory, was charged to cross the boundary stream at Detroit, and to wrest Upper Canada from the British. To him the undertaking appeared desperate, except he had at least three thousand reliable men in his command; the British force on the Lakes being kept in check, if it could not be overpowered. Not so to the Department of War. With the Lakes in the hands of the enemy, and for a base of operations, the scattered settlements of his territory, Detroit separated from its next neighbour (of any importance) by some two hundred miles of mere forest, crossed by little better than "blazed traces"—and with less than two thousand hastily raised and perfectly raw troops, most incompletely armed and provided also—forth must he fare, and do what he could. So admirably too did the government support him, and aid in the construction and carrying out of his plans of operation, that the British commander in that quarter received intelligence of the declaration of war before he did, in consequence of which, the military and other stores of his little army, being forwarded to Detroit, and all in a single boat, fell into the enemy's hands.

Undauntedly, however, this "forlorn hope" of the war, on the 12th of July, entered Canada, and occupied Sandwich, a petty village opposite; whence Hull emitted with becoming spirit, and with more than becoming grandeur of style, a proclamation to the inhabitants of the province. He had come to set



all who desired liberty, free from the tyrannical dominion of Great Britain, and he would charge himself with their protection; but he would exterminate the British forces if they employed Indians in the war; his force was sufficient to break down all opposition, and it was but the forerunner of a much greater one.

"It appeared to be his purpose to attack Malden, and thence proceed to Montreal," says one historian; but truly, he might as well have written the name of any other place belonging to Great Britain lying eastward of Sandwich, say London itself, as Montreal. For instead of attacking Malden (he was repulsed in an attempt to approach it even), or liberating revolted Canada, the unfortunate general waited and hoped, and for a whole month remained inactive, not doing a thing to justify either the invitations or the menaces of his proclamation; so that, whatever ardour had fired his troops, was cooled greatly, and (as our historian observes) "distrust and contempt expelled confidence and attachment [they had given few signs of either] from the hearts of the Canadians."

Events, as usual, did not wait. First in order and importance came the capture of Mackinaw, or Michilimackinac, a fort on an island between Lake Huron and Lake Michigan, most insufficiently garrisoned—although it was destined to keep in check the Indians on the larger lakes—and not informed of the commencement of hostilities until the enemy appeared before it, both by land and water, in such strength as to make resistance impossible. Whereupon, "panic-struck," Hull (on the 8th of August) hastened back to Detroit; and the invasion of the upper province was self-defeated. But the blow recoiled upon the invader; for whilst he remained inactive at Sandwich, the British at Malden (or Amherstburg) were reinforced, and General Brock, Governor of Upper Canada, put himself at their head. The *employés* of the Fur Company were pressed into the service, not unwillingly. Tecumseh—whom we saw, by the help of William Wells, at Fort Wayne, in the preceding month, going over to the British, when he found nothing left him but revenge for the defeat of the magnificent plans he had formed of a renewed empire of red men in the west—was despatched into the United States territory to occupy the forest-wilderness south of Detroit, and cut off all communications from its garrison.

At the river Raisin, Tecumseh met and stopped a company of Ohio volunteers, under Captain Brush, who were hastening with supplies to join Hull, in Canada, as they expected. Brush, finding the woods filled with Indians, contrived, by means of a scout, to send a message to Hull, who despatched Major Vanhorne with a hundred and fifty or two hundred men to open the road and escort the reinforcement and supplies to Detroit. But falling into an Indian ambush, they were routed by less than half their number, and scarcely a hundred made their way back to the fort, the rest being killed or dispersed. The Indians also captured Hull's despatches, which were sent to Brock, and showed him the desponding condition of the invaders.

And now General Brock had reached Amherstburg, accompanied—for he had called upon the Canadians, by a counter-proclamation to Hull's, to join him, reminding them of the prosperity and freedom they had enjoyed under the rule of Great Britain (and we must not forget that the staple of the population

of this part of the province were American refugee loyalists of the revolutionary times and their descendants)—by a small but resolute force of militia. He recalled the expedition from the Raisin river, and on the second day after reaching Malden, the 15th of August, he erected batteries on the bank of the river, opposite Detroit, and summoned Hull to surrender.

Before this crisis, this hardly-bestead commander had evinced such alarm at the peril of his post as to provoke the officers under him to arrest him, and they would have done so, had not the Ohio colonels, M'Arthur and Cass, been absent on their luckless search for a way across the Raisin. Nevertheless Hull returned an answer of becoming bravery, and replied to the cannonade, which was forthwith commenced, in the best way he could.

"On the 16th, the British troops began to cross the river to the American side, about three miles below the town, under cover of the two ships of war. Having landed, they commenced their march towards the fort. Besides the fourth regiment of regular troops stationed in the fort, it was protected by the Ohio volunteers, and a part of the Michigan militia placed behind the pickets, where the whole flank of the British would have been exposed to their fire. The remainder of the militia was stationed in the town of Detroit for the purpose of resisting the desultory attacks of the savages. Two four-pounders, loaded with grape, were planted on an eminence, ready to sweep the advancing columns. M'Arthur and Cass, on their return from the expedition on which they had been ordered, had arrived within view of Detroit, and were ready to attack the enemy in the rear. [This, however, must be taken with some qualification; Hull, perhaps, or his council of war, had planned so;—for the recall had not reached them, and, not knowing their commander's actual straits, they did not return till the next day.] There was every reason to anticipate a victory, and the troops were eagerly expecting the commencement of the battle.

"When the British columns were within five hundred yards of the American line, General Hull ordered the troops to retire into the fort, and the artillery not to fire. A white flag was then hoisted, and a British officer rode up to inquire the cause. A communication was opened between the commanding generals, which speedily terminated in a capitulation. The fortress of Detroit, with the garrison and munitions of war, was surrendered. The detachment under Cass and M'Arthur, and even the troops at the river Raisin, were included in the capitulation. Captain Brush, however [whom we are sorry to find still in the uncomfortable position we first met with him in], not considering himself bound by Hull's engagement, on being commanded to surrender, broke up his camp, and retreated towards Ohio. The Canadians who had joined Hull, or accepted his protection, were abandoned to their fate, and many of them were subsequently executed as traitors.

"Every circumstance which could heighten the disgrace of a surrender, was found in the present instance. Hull did not even call a council of his officers. His only object seems to have been to escape from the Indian scalping knife. When he had first entered Canada, the British had at Malden but one hundred regular troops, four hundred Canadian militia, and a few hundred Indians. After General Brock's arrival, their whole force was three hundred and thirty regulars, four hundred militia, and six hundred Indians. The army surrendered



by General Hull amounted to two thousand five hundred men, of whom twelve hundred were militia."

These numbers, we may observe, are the extreme numbers on both sides; and no mention is made of above thirty pieces of cannon, which were given up to the British, who had but five of their own, and those not of large calibre. Brock made a difference in his treatment between the different component parts of Hull's force; the regulars and volunteers he made "prisoners of war;" but the militia, as presumably not there of their own consent, he enlarged on their parole.

When the vanquished general sent to the Secretary of War official tidings of his disaster, he magnanimously "assumed the whole responsibility of the surrender. The brave officers, he said, and men he commanded, would have fought till their last cartridge was exhausted, and every bayonet worn to the socket." But this was all that remained to redeem his memory from utter detestation: for although not every failure in war is unpardonable, and the surrender of an army even may be forgiven, a capitulation like this of Hull, at the very outset of a war brought on as this had been, can never be excused, as the story of his trial will further show us.

The people of the north-west had a much more justifiable ground of hatred of "Hull's treason," as his surrender was designated; for their frontier was by means of it pushed back so far, as to bring them into very uncomfortable proximity to the enemy, and they saw, to their intense mortification and disgust, the Indians, who had been so hardly kept from outbreaks and rebellion, taking advantage of their reverses, and in spite of all promises and threats, joining in the war, with the hope of wresting from them some of those tracts which had been at such expense added to the possessions of the United States. The old Indiana general, Harrison, was put at the head of a force of volunteers, who flocked to his standard from Ohio and Kentucky in such numbers, that only a part of them were received and organised for the defence of the Union, and the recovery of the region that had been lost.

General Winchester was appointed, by the authorities at Washington, to the command in this quarter; and Harrison, although a stranger, gave place to him, and persuaded the troops to receive him, whilst he did not cease to exert himself for the public good there; but planned an attack for the recovery of Detroit; and very soon he was nominated commander of the north-western army in the room of Winchester. General Hopkins was also employed here, and hopes were entertained of retrieving Hull's mistake before winter. But the spirit of volunteers, which enables them to do many things which regular troops would not attempt, is never to be relied upon for patient and continuous action. It is always, of necessity, in a state of exaltation bordering on mutiny, or inanimate and inefficient. This was the case with the volunteers of the north-western army, and in consequence, after a few trifling successes over the Indians, nothing of note was accomplished before the end of the campaign.

For the invasion of Canada, it will be remembered, we said that other forces were destined beside the scanty and undisciplined forces under Hull; and that these were to attempt to enter the British province below the lakes. General

Dearborn, the commander-in-chief, was at the head of the army of the north, and General Van Rensselaer of the army of the centre.

Before any movement was made by these generals, Foster, the British ambassador, who (by the rapid and unexpected manœuvre of the war-party) found himself at Washington with the threads of an "unclosed negotiation" in his hands, at the very time when the declaration of war was published, and who had hastened to Halifax on his way home, heard there of the revocation of the "Orders in Council," and believing, after what he had seen in his dealings with the administration, that *they* were the only or principal ground for the hostile feeling of the Americans, counselled the governor-general of Canada to propose an armistice to General Dearborn. This was accepted at once, and hopes of preventing the continuance of the war were high again.

For Madison had despatched to the United States' minister at London, by Foster himself, an authorisation to conclude an armistice with the British government, on condition of the repeal of the "Orders," the discontinuance of impressments, and the restoration of the impressed citizens of the United States; and to offer to prevent the possibility of disputes respecting deserters, by prohibiting the engagement of British seamen in any American ship. These matters were to be settled in detail by negotiation, for which the armistice would afford an opportunity. Or even, if the government at London would not expressly stipulate these things, the enemy was authorised to agree to the armistice, upon a "tacit understanding" to the same effect.

We may observe here, that when these proposals were actually made to the British government, matters had advanced so far, that nothing but actual negotiations could be admitted respecting them; and Russell had received no authority to enter into a treaty respecting them. There had been sent out also, by Admiral Warren—so the minister with whom Russell communicated informed him—proposals to conclude an armistice, as the "Orders" had been repealed, to give room to negotiate respecting the other debated questions. The impressed seamen, of whose American citizenship little or no doubt existed, above two thousand in number, were, when the war really began, assigned to Dartmoor prison, and other dépôts for prisoners of war.

To return. Notwithstanding the proposal for an armistice entrusted to Russell by Madison, this provisionally concluded armistice between Sir George Prevost and General Dearborn was disavowed by the administration; with whom also Foster had directly communicated respecting it. The reasons for the disavowal have too plainly the air of mere pretexts, and real ground is most manifest behind them. Hull's invasion of Canada having ended so disastrously, and the realisation of the other two projects not having been attempted, the apparent relinquishment of the war would have brought the President into collision with his political supporters, upon whose adherence he was now relying for success in his election for another term of office, the canvass for which was at this very time proceeding. And the successes which had attended the efforts of the new policy of the war-party at sea, would have inflamed their expectation of a speedy and complete triumph too greatly to allow them to perceive the prudence or wisdom of a suspension of hostilities at this moment.

By all these means it was made most clearly manifest that the "Orders in



Council" had been only in pretence the ground of the war. And the reiterated assurances that, if they were revoked, an end would be put to the disagreements and disputes which were continually interrupting the intercourse between the United States and Great Britain, were demonstrated to be without foundation. The disaffection of the Federalists of New England could not fail to be increased in consequence of this disclosure, which justified all that they had declared respecting the preliminary measures of the administration, although it did not discountenance the war-party, who thus unmasked their real designs.

Nor was this the only matter in the war, which showed how entirely contradictory the allegations of the United States' government concerning the reasons for the war, and their real policy, were. Great Britain gave liberty to American vessels in the harbours of the United Kingdom, when the tidings of the declaration of war arrived, to depart without hindrance or molestation, and extended this license to the term of six weeks, giving them (of course) protection against the cruisers, so that they should not be captured as they returned. But, under the Non-importation Act, the vessels which Great Britain had spared, the United States themselves were bound to confiscate!

Great Britain also did not issue "letters of marque" until it was certain that all attempts to prevent the prosecution of hostilities, and to suspend the war upon the impressment question alone, as if a war *could* settle such a point in international relations—not, in fact, till the very end of this autumn, and the first campaign was as good as over. Nor did she cease through the whole war to afford "protections" to United States' ships chartered for the conveyance of flour to Spain—a branch of trade profitable in the extreme to America, and useful to Britain, whose armies in the Peninsula were thus in part supplied. But Congress declared this trade contraband, and pursued it by fine and confiscation, in the hopes of putting it down!

These things could not fail to exasperate the feelings of the peace party in New England, already excited to a high pitch of indignation by the removal of the United States' troops "from the Atlantic coast, in order to march them to the frontiers of Canada," thus leaving, as they said, "the inhabitants for several hundred miles upon the coast, exposed to the horrors of invasion; [which] could not in the nature of things reconcile them to a war, which they originally considered unnecessary and extremely impolitic."

No less indignation had been roused against the administration in New England, by the manner in which the provisions of the constitution regarding the militia had been openly contravened, and the sovereignty of the states, as far as the command and control of their civic soldiery implied it, had been set at nought, by the very parties who had most loudly proclaimed themselves its defenders. "Within the first month of the war," says Sullivan, "an *unconstitutional* demand was made on the governors of Massachusetts and Connecticut for militia, even before the news of this astonishing measure could have reached the British Isles, and three months before there was the slightest probability that the United States could be invaded. This demand proved to be in prosecution of the design to invade and conquer Canada with militia!"

Governor Strong and Governor Griswold gained great glory by refusing obedience to this illegal demand, and they were sustained in their resistance to

the general government by the Supreme Court of Massachusetts at the time, and by the best interpreters of the constitution ever since. The occasion did not justify the demand; nor was it in accordance with the instrument of government to put the militia under the command of the officers of the regular army, by the trick of calling forth the soldiers only, and in small numbers at a time, without their own officers. "If the New England States," says Dwight, "had given up their militia at the requisition of the President of the United States, and in a total disregard of the federal constitution, a precedent would have been established that might, and one day or other in all probability would, have proved fatal to the liberties of the country."

Van Rensselaer's head-quarters were at Lewistown, on the river Niagara, and on the opposite bank stood Queenstown, a fortified British post. Some six thousand men were under his command there; and both commander and men were made exceedingly impatient for the fight, by the success of those forays and border skirmishes, which, under similar circumstances, are sure to occur; especially where, by the employment of militia in offensive war, the distinction between regular warfare and mere brigandage is not clearly preserved. The incidents we refer to were the interception of the supplies for the British posts, effected by various parties stationed along the frontier river; the repulse of the British from Ogdensburgh, where some of these captives were taken, but more particularly the capture and carrying off of a small vessel, named the *Caledonia*, from under the guns of a British fort on Lake Erie, by Lieutenant Elliot.

Accordingly, General Van Rensselaer (whose position here was rather remarkable, for he was one of the opposition party, which has led some to suspect an election *ruse* in his appointment) determined to seize upon Queenstown if he could, and get a footing in Canada. It seems to have been an ill-contrived attempt, and blunderingly carried out. The general has the credit of having neglected to invite the co-operation of General Alexander Smythe, who lay at Buffalo, lest he should eclipse a kinsman of his own, Colonel Solomon Van Rensselaer, and his men should outshine the New York militia by the brilliancy of their feats of arms and daring. The most prodigious mistakes were made in the management of the boats for carrying the expedition across the stream; and one attempt failed utterly, from that cause alone.

On the 13th of October, however, about thirteen hundred men were sent across, in various parties, and at considerable intervals, the first party setting out in a furious storm, and getting separated into two in passing over, and the commanders actually exchanging their men in consequence. Colonel Van Rensselaer and Colonel Chrystie were in this predicament; and the former was severely wounded very soon after landing; but the British general, Brock, lost his life, as he cheered on the grenadiers of the forty-ninth, to the defence of the works, which were attacked by Captains Ogilvie and Wood. Discouraged by the fall of their leader, the British fell back, and the position was lost. It seemed as if victory would crown the arms of the United States on this day. But General Sheaffe, who succeeded Brock in command, now brought up from Fort St. George a strong reinforcement, consisting in part of Canadian militia, and partly of regulars. Attacking the Americans in front and on one flank



with these troops and artillery, and menacing them on the other by the Indians under the chief named Norton, the aspect of affairs speedily changed, and the triumph was torn from those who thought the day their own.

Whilst great numbers of the militia were on the American side of the river, waiting for the means of crossing, the general, with admirable want of judgment, contrived to dishearten them by allowing them to see the horrid spectacle of the wounded and dying, who were brought back from the scene of combat; and they refused to go into the fight. Van Rensselaer had gone over with General Wadsworth and one party, and hearing of the misconduct of the militia, he returned, leaving Wadsworth in command. But not all the oratory he was master of, nor that of some of their own officers, with Judge Peck to aid them, could persuade the "miscreant militia," as Ingersoll styles them, to second him, and follow up the advantage won by their companions in arms, before Sheaffe and his reinforcements could arrive, and take part in the action. By the most disastrously *mal-à-propos* exercise of their civic and sovereign privileges, they urged "*constitutional objections to extra-territorial service!*" And so, as General Armstrong said, fifteen hundred able-bodied men, well armed and equipped, shortly before swelling with prowess and untameable spirit, now "put on the mask of lawfulness, to hide their cowardice." It was a terrible retribution for the vainglorious exclusion of Smythe's regulars. All that the unhappy general could do, was "send a supply of ammunition to Wadsworth, with a message leaving it to him to resist or retreat, as he chose."

"Wadsworth," as Ingersoll relates, "could do neither. Surrender, nearly unconditional, was all he could do, or get for his troops, who from before day-break in the morning till late in the afternoon had been constantly engaged. They did not yield at once, without a sharp conflict, however; but panic seized some of the militia, and complete rout soon took place instead of orderly retreat, a movement beyond the discipline of unpractised troops. Rushing to the shore and finding no boats, many brave men had no alternative but to surrender on the enemy's terms. An armistice of three days, however, was arranged, and the Americans were humanely treated."

Nine hundred prisoners were taken by the British on this occasion, including Wadsworth and Scott; and one gun and two colours also fell into their hands. In a few days Van Rensselaer resigned the command. "This battle of Queens-town added another to numerous proofs, that undisciplined valour, though the basis of all martial success, is unavailing without energetic commanders capable of enforcing obedience, a virtue as indispensable as valour to insure victory. Without obedience in the soldier, and energy in the commander, an army is but a mob."

Upon General Smythe the command, thus laid down by Van Rensselaer, devolved; who, although forbidden to imitate his predecessor, was determined to signalise himself amongst the notables of this campaign of failures. Unhappily imitating Hull's first step, he issued a proclamation, as pompous as that panic-stricken invader had inaugurated his misfortunes by; and (as if to make assurance doubly sure) even followed it up by a second in the same vein. These calls were certainly addressed to "the men of New York," and not to oppressed Canadians, and instead of producing almost no effect, they brought to

Smythe's standard between four and five thousand men. Yet, in the end, they produced a failure more absurd, though not so calamitous, as that of the commander of Detroit. "Early in the morning of the 28th of November, General Smythe commenced the invasion of Upper Canada, by crossing the St. Lawrence between Chippewa and Fort Erie, with about five hundred men."

They made good their landing, carried the British batteries by storm; and then, just as with Van Rensselaer's attempt, "the enemy came upon them from distant stations," and Smythe did no more to reinforce them than the militia did in the former case; and the adventurers who had begun so gallantly, were in part overpowered and killed or made prisoners, and in part driven back into the territory of the United States. The whole affair was, in fact, managed as clumsily by the regular officer, as it had been by the militia-men. Colonel Boerstler wholly failed in cutting off the enemy's communications; General Porter of the New York volunteers, "with two thousand men, ready and eager for action," was half-way across the river, and was then recalled by Smythe! A council of war (facetiously so called) was held, and the completion of the invasion was postponed for a few days! On the 1st of December (which was the latest of several days that had been fixed), the troops received orders to be in readiness to pass the river, and they were all at their posts. The volunteers set out, General Porter in the leading boat, with a flag to indicate his position; fifteen hundred men were found willing to make the attempt, in spite of all the ill omens. But before the other bank could be reached, another council of war was held, and the general recalled the expedition, ordered the volunteers to return home, and the regulars into winter quarters, Canada remaining intact.

General Porter posted Smythe in the newspapers as a coward; and this truly unfortunate (and something more) officer, "never tried but in the public journals and by common opinion, was actually driven away to be no more heard of, mobbed by the militia and the populace, not without strenuous vindication by himself and others in the newspapers, but without favours or further employment." Porter and Smythe got up a duel out of this newspaper squabble, and exchanged shots and compliments; whereat Ingersoll says, "The public would have preferred a battle in Canada"—undoubtedly.

Beside these affairs, there were several others, "slight eruptions of combat," as Ingersoll with characteristic classicality designates them, "and border outbreaks hardly worth mentioning." Colonel Pike burned a block-house here; Captain Lyon there captured forty English with baggage, despatches, and a stand of colours; and there, again, "the enemy captured a couple of our officers, with some forty men and four boats."

But "the crowning act of our military misdeeds that year—absurd end of all—was Dearborn's,—the feeblest of all the attempts at invading Canada." "It was General Dearborn's misfortune to have an army to form; an inexperienced, not over-ardent executive; a secretary of war constrained to resign; a Senate inclined to distrust the executive; Congress withholding taxes and supplies for near twelve months after war was declared; waiting upon a presidential election [which was, however, not the fault of Congress, but of the President, who dared not to jeopardise his re-election by proposing the taxes



that were needful for carrying on the war he had begun] ; disaffected states,—Dearborn's own state, Massachusetts, at the head of disaffection ; a country destitute of military means and men, unaccustomed to restraints, and impatient for exploit."

He had the largest discretion in respect of the *materiel* of war, and had under him more than three thousand regular troops ; two thousand Vermont, and one thousand New York militia on Lake Champlain. And opposed to him were, as General Armstrong insisted, not three thousand men altogether, who had to protect nine hundred miles of frontier. And after due council of war, on the 20th of November, Dearborn was to enter Canada, and achieve some deed of daring, to redeem the military character of the United States. Duane,—he of the *Aurora*, and, like Dearborn, one of Jefferson's adherents,—gave due preliminary flourish in his newspaper, to celebrate the coming triumph.

By some means, the British commander, three days before, heard that the invasion was about to take place ; and on the 20th, in the morning, one of the regiments sent forward to meet them actually came upon the invaders. "A confused and incomprehensible skirmish ensued, in which each party's object seemed to be to get away from the other, till the Americans, in the dark, mistaking themselves for enemies, began to fire on each other, killed four or five, and wounded as many, *of themselves*, and then returned, leaving their dead behind,—which Indians would never have done. Where Generals Dearborn, Chandler, and Bloomfield were during this wretched foray, did not then appear, nor can now be told. On no occasion did General Dearborn ever lead his troops into action."

"On this occasion, again, the militia were infected by the leprosy of constitutional right,—to refuse orders to wage war as its appointed chiefs ordain. Of the three thousand militia who marched with Dearborn for Canada, nearly all refused to cross the line ; including a company who advanced with Colonel Pike [who led the invading host], but halted at the very border." One solitary success made the absurdity of this failure the greater : a British post in an Indian village was surprised, and the men made prisoners ; also, for want of a more authentic trophy, the Indian agent's flag was exhibited as a British flag, taken on the occasion. After these feats in arms, the troops were led back to winter-quarters, to sickness, and to "military idleness, the worst form of that worst of all distempers."

Such was the campaign of 1812. But the events of the war were not all gloomy ; at sea, the arms of the United States were crowned with several most unexpected successes, and though these victories were not of the most illustrious class, they were victories, and the only ones that this year could boast.

The first naval action of the war was the fruitless chase of the *Belvidera*, 36, by the *President*, 44, on the 23rd of June. The British frigate was sole convoy to a large fleet of West India merchantmen, on their way home. Rodgers, who commanded the *President*, had with him besides the *United States*, 44, *Congress*, 38, the *Hornet*, 18, and *Argus*, 16 ; all of which joined in the chase, though the *President* played the chief part, and received all the blows. This chase was rather a running fight, and it was maintained for a whole day ; the

Belvidera losing twenty-two men killed and wounded, and the President as many, sixteen of whom suffered by the bursting of a gun. "The result," says Alison, "was favourable to the British, as the American squadron failed in taking the single English frigate, and the whole of the merchantmen escaped untouched. After a cruise of seventy days, the American squadron returned to port, having captured only seven merchantmen in that time, although they fell upon the British commerce when wholly unaware of impending hostilities."

Early in July, when the enemy had despatched a squadron into the American waters, the *Nautilus*, 14, leaving New York for the purpose of cruising in the track of the English *Indiamen*, fell in with the squadron of war-ships and was chased, her gallant commander doing everything he could to escape, but unavailingly; she therefore struck without a conflict, to the *Shannon*; and this was the first vessel of war captured on either side. The next success was on the side of the United States.

The *Constitution*, 44, Captain Hull, was the victor in this affair; and she had just returned from Europe, where she narrowly escaped an overhauling from the English cruisers, on the pretence of looking for deserters. Proceeding to the north from the Chesapeake river, for the purpose of joining the squadron of Commodore Rodgers, she fell in with the British squadron, and for four days was chased by all the vessels composing it, the *Africa*, 64, taking the lead. Few such chases have ever occurred in the history of naval warfare, and seldom, if ever, has a vessel escaped from such odds, by dint of seamanship alone. Now towed by boats, and now forced along by hauling at a kedge anchor carried out near half a mile ahead, and let go; using every breath of air that blew fitfully; the *Constitution* contrived to distance her pursuers, who resorted to the same means, but without coming up to the object of their endeavours. Once and again it seemed as if she must fall into the hands of one or another of her keen enemies; but ever some sudden breeze sprang up, and preserved her. At length, on the fourth day, the wind freshened sufficiently for the American to prove her superior fleetness; and whilst all the five frigates were on the same tack, and under clouds of canvas, from the truck to the water, the *Constitution* slowly drew ahead of her pursuers; and in fine a heavy squall in the evening carried her completely out of view. This was the first act in the triumphant naval pageant now enacted in the American seas.

We may justly notice, in passing, the capture of the *Alert*, 20, by the *Essex*, 32. The latter vessel, after a daring attempt upon a convoy of transports, one of which, having on board a hundred and fifty soldiers, she captured, was sailing under the disguise of a merchantman, and was attacked by the gallant little British ship. But the *Essex* unexpectedly opened upon her so tremendous a fire, that the crew deserted their quarters and ran below, and in eight minutes the *Alert* struck. The victory was not such as to cause any surprise, as beside the greater number of guns, those of the *Essex* were thirty-two pounders, whilst those of the *Alert* were but eighteens.

On the 19th of August, the "second act" was played. In the afternoon of this day, the *Constitution* descried a British frigate, which, when approached, showed herself ready and willing for the combat. After a running fight, the vessels closed, and the mizen-mast of the stranger went by the board; never-



theless, both parties, as the vessels fouled, prepared to board, which was prevented on both sides by a tremendous fire of musketry, and the heavy sea. The Constitution, therefore, got clear, and at the same instant the fore-mast and main-mast of the enemy fell, leaving her a helpless wreck. Having refitted, in about half an hour she took up a favourable position for raking, when a jack, which had been kept flying on the stump of the mizen-mast of the British vessel, was lowered. She proved to be the *Guerriere*, 38, Captain Dacres, and she was in so crippled a condition, that Captain Hull took the crew on board the Constitution, and set fire to his prize, which blew up in a quarter of an hour. Seventy-nine men were killed or wounded on the *Guerriere*, but only fourteen of the Constitution's crew were disabled. The American vessel had prodigiously the advantage in the number of her crew, the weight of her broadside, and her tonnage; and it would have argued gross incapability in her commander if he had suffered himself to be beaten. "Captain Dacres lost no professional reputation by his defeat. He had handled his ship in a manner to win the applause of his enemies, fought her gallantly, and only submitted when further resistance would have been as culpable as, in fact, it was impossible.

"It is not easy," says Cooper, "at this distant day, to convey to the reader the full force of the moral impression created in America by this victory of one frigate over another. So deep had been the effect produced on the public mind by the constant accounts of the successes of the English over their enemies at sea, that the opinion, already mentioned, of their invincibility on that element generally prevailed; and it had been publicly predicted, that before the contest had continued six months, British sloops of war would lie alongside of American frigates with impunity."

But these were not the whole of the naval disasters of Britain. On the night of the 16th of October, the British sloop of war, *Frolic*, 18, conveying six merchant ships, fell in with the American sloop *Wasp*, also 18, but surpassing the *Frolic* in the number of her men, and also in her tonnage. British historians say the *Wasp* had the advantage in weight of metal, which Americans not only deny, but ascribe to the *Frolic* an excess of four guns above the number borne by the *Wasp*.

The crew of the *Frolic* were busy repairing their rigging, which had been damaged in a gale on the preceding day, the main-yard was on the deck, and the vessel was changed, in effect, into "a half-rigged brig." She shortened sail as the *Wasp* approached, with the manifest intention of covering her convoy and giving battle; and without any manœuvring, the vessels ranged alongside of each other, and the battle began. The British fired much more rapidly than the Americans, and at first it seemed with the greatest effect, for the main-topmast and mizen-top-gallant-mast of the latter were shot down, and the vessels ran foul of each other, the fight continuing when they were so close that, in loading some of the *Wasp's* guns, the rammers hit the bows of her antagonist. The Americans in fouling had fallen so as to rake the *Frolic*, and the consequences speedily appeared when the boarders sprang on her deck, for there was not a man to offer any resistance, the dead and wounded alone were seen. Not a man was at his station but the man at the wheel.

Seventy of the Frolic's crew at least were killed or wounded ; she had been hulled at almost every discharge, and both her masts fell when the Wasp cleared herself from her. The Wasp was much damaged in her rigging, but her spars and hull had received in comparison little damage. Five only were killed and five wounded on board of her.

This victory caused greater exultation in the United States than others of greater intrinsic importance, because the force on both sides was more nearly equal, and the credit of the success, in consequence, the greater. It did undoubtedly very effectually dissipate the notion of British invincibility at sea : but the most valuable result was the testimony afforded to the superiority of cool and scientific gunnery in naval combat. Sea-fights had been for the most part decided by mere animal courage and brute force. The only science shown had been in the handling of the ships, and the manœuvring of the fleets. The Americans, not neglecting this department of strategics, *took aim* when they discharged their guns, and decided these engagements not less by not aimlessly squandering their shot, than by the superiority of their force in every instance. No amount of courage, backed mainly by noise and smoke—and artillery badly aimed, or not aimed at all, is no more—could stand against the heavy metal, flying true to its mark, of the American guns. The lesson thus terribly impressed on the British, thanks to one of the junior officers in their Atlantic fleet, Lieutenant (since Admiral) Chads, was not thrown away.

Nothing but the glory of this victory, however, remained to the United States, for a few hours after the action, the Poictiers, 74, hove in sight, recaptured the Frolic, and made the Wasp also a prisoner, by a summons merely.

But it was soon made up to them. For, on the 25th of October, Commodore Decatur, in the frigate United States, 44, having captured a few days before the British packet Swallow, with a large amount of specie, fell in with the Macedonian, 38, and a combat at once commenced, the vessels passing and repassing each other for about an hour, when the mizen-mast of the British frigate fell, and the vessel became almost unmanageable, from the fearful injuries she had received. The heavier metal and more numerous guns of the United States told fearfully against her antagonist, and the superior number of her crew gave her the advantage in manœuvring. At this period, the United States stood athwart the bows of the Macedonian, and passed out of shot without firing a gun ; and her antagonist's crew, supposing she had given up the fight, set a union-jack in the main-rigging, and gave three cheers. But it was only to refill her cartridges, and she soon came back, and took up a raking position across the stern of her defenceless foe ; whereupon the Macedonian struck. She had thirty-six killed and sixty-eight wounded, and had received nearly a hundred shot in her hull ; whilst the United States had lost but twelve killed and wounded, and suffered surprisingly little, considering the length of the cannonade.

The Argus, 16, under Captain Sinclair, which had set out on a cruise at the same time as the United States, was very successful in making prizes ; and was chased for three days, and as many moonlight nights, by a squadron of the enemy ; and not only escaped, but actually took and manned a prize during the



chase! The capture of the *Vixen*, 14, by the British ship *Southampton*, 32, merely requires little mention.

One more naval victory is recorded in this year. The *Constitution*, 44, Commodore Bainbridge, on December the 28th, met with the *Java*, 38, and maintained with her for about forty minutes a contest, in which seamanship more than gunnery or courage was conspicuous. The English captain then resolved to attempt to board his antagonist, and ran down on the *Constitution's* quarter for that purpose. But before this could be accomplished the fore-mast fell with a tremendous crash, the main-topmast came down, the head of the bowsprit was shot away, and the captain fell, mortally wounded. Lieutenant Chads, who took the command, carried on the fight; but after the American commodore had passed out of the combat, for the purpose of refitting, and returned, he found his vessel a complete wreck, and struck. Finding it impossible to save their prize, after removing the crew, the captors blew it up.

A hundred and twenty-four, killed and wounded, were said by the British to have been lost on board the *Java*; but Bainbridge reckoned their loss as much higher. Thirty-four alone suffered, in both ways, on board the American ship. "Although there was more manœuvring than common, the *Java* had been literally picked to pieces by shot, spar following spar until she had not one left. Her fore-mast was first cut away near the cat-harpings, and afterwards by a double-headed shot, about five and twenty feet from the deck. The main-topmast went early, and the main-mast fell after the *Constitution* hauled off. The mizen-mast was shot out of the ship, a few feet from the deck, and the bowsprit near the cap. Her hull was also greatly injured." On the other hand, Cooper assures us, "The *Constitution* did not lose a spar! . . . . An eighteen-pound shot passed through the mizen-mast; the fore-mast was slightly wounded, and the main-mast was untouched. The main-topmast was also slightly wounded, a few other spars were hit, without being carried away; the running rigging was a good deal cut, several shrouds were parted, and the ship received a few round shot in her hull." This was the British Admiral Chads' first lesson!

Nothing else worthy of particular mention occurred during the year 1812, for the unaccepted challenge sent by the captain of the *Hornet* to the commander of the *Bonne Citoyenne* was deemed by many contrary to the rules of the service; and the one prize made by the *Essex* was recaptured, though not till the specie she carried was appropriated, and, to make assurance doubly sure, spent on account of the government.

Above five hundred prizes were made by privateers and cruisers in the first seven months of the war, but that number includes several American vessels which were captured and condemned by the Americans themselves, for sailing with British licenses.

Enough has been said of the proposals for an armistice, made first by Madison himself, but rejected when they came from the other side; and this, not only when made by the governor-general of Canada, and Foster, but also when Admiral Warren brought them direct from the government at home. And on the latter occasion the rejection was professedly grounded on the inability of Warren to treat with the United States' government, concerning

the proposals it had forwarded to England to Russell! And such were the attempts made by both parties to this contest, to carry on or to renew negotiations, with a view to peace; attempts that on the American side could not but fail, from the circumstances, and the form in which they were made; but which showed that the struggle could not be a very long one, inasmuch as it arose from none of those causes which touch the hearts and fire the consciences of nations.

## CHAPTER IV.

CAMPAIGN OF 1813.—THE WAR IN THE NORTH.—COAST WARFARE.—A BLOCKADE ESTABLISHED.—THE SHANNON AND THE CHESAPEAKE.—NEGOTIATIONS AGAIN VAINLY ATTEMPTED—THE MEDIATION OF RUSSIA.

WHEN Madison opened Congress on the 4th of November, 1812, he had not heard of the most signal of those disasters which marked the whole of the campaign on land; nor yet of the most striking of the successes at sea, the worth of which was exaggerated by all parties: by the war-party to hide the shame of their failures in the invasion of Canada; and by their opponents, because they always said that it was by sea that the United States ought always to be victorious. In his Message he bent all his endeavours to prevent the legislators from despairing concerning the war he had induced them to declare, or from suspecting that history could do other than commend the spirit which had originated hostilities.

"The situation of our country," said he, "is not without its difficulties, though it abounds in animating considerations. . . . With more than one nation we have serious and unsettled controversies; and with one, powerful in the means and habits of war, we are at war. The spirit and strength of the nation are, nevertheless, equal to the support of all its rights, and to carry it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing that the war in which we are actually engaged is a war neither of ambition nor of vain glory; that it is waged, not in violation of the rights of others, but in the maintenance of our own; that it was preceded by a patience, without example, under wrongs accumulating without end; and that it was, finally, not declared until every hope of averting it was extinguished, by the transfer of the British sceptre into new hands clinging to former councils; and until declarations were reiterated to the last hour, through the British envoy here, that the hostile edicts against our commercial rights and our maritime independence would not be revoked;—nay, that they could not be revoked without violating the obligations of Great Britain to other powers as well as to her own interests. To have shrank under such circumstances from manly resistance would have been a degradation . . . [and therefore] war was chosen. The nation felt the necessity of it, and called for it."

The Message also called for the reorganisation of the militia, and for some



more stringent measures to repress the use of British licenses, which it stigmatised as "corrupt and perfidious intercourse with the enemy," if not "treason." And yet it congratulated Congress on the receipt of "the duties on the late unexpected importations of British manufacture;" which surely was a sort of misprision of "treason."

Congress, animated by the same spirit as the President—for a new election of representatives was also drawing near—for the most part avoided the questions which might compromise its popularity, and render its members distasteful to their various constituencies. The session extended to the 3rd of March, 1813, and laws were passed for the more effective organisation of the army, for its increase, and for the provision of the means requisite for the prosecution of the war. Authority was given for the construction of four ships of the line, six frigates, and six sloops of war. And by one Act vaccination was encouraged generally amongst the people, with a view to prevent the ravages of that frightful disease, the small-pox, in the army. But it was not until the result of the presidential election was known that the financial measures of the government were submitted to Congress, and (as we have already related) one law passed providing for a loan of 16,000,000 dollars, and another for the issue of 5,000,000 dollars' worth of treasury notes, by which the whole amount of the debts incurred by this Congress for the prosecution of hostilities, without the imposition of a single additional tax as a provision for its redemption, was raised to 37,000,000 dollars.

Amongst the other laws made by Congress during this session, was one prohibiting the employment of any seamen, other than the citizens of the United States, or native persons of colour, on board the public and private armed vessels of the United States, after the close of the war. And this was said to be meant as a tender of "the olive-branch" to Great Britain, and to induce the British government to come to some arrangement respecting the impressment of seamen. But considering the great facilities for naturalisation, which Jefferson had introduced into American legislation, it was an extremely illusory concession to the demands of the mother country; and one not calculated to lead to such a settlement of the impressment question, as the American government, or rather the democratic party demanded, although the naturalisation of foreign seamen was, by one clause of the Act, in words at least, almost prohibited.

One other bill gave the President the power of retaliation for any injury inflicted on the United States by the British or their Indian allies, in violation of the usages of civilised warfare; a permission not required, since, as a matter of fact, such retaliation was always practised, and sometimes in anticipation of the injury; whilst the formal allowance could act only as a provocation to the commission of such outrages.

For other transactions of this session, we may refer to the closing chapters of our first volume, in which the domestic enactments of the legislature are treated of. And in the same place will be found a sufficient account of the ministerial changes effected at this time, which exercised so great an influence on the conduct of the war.

First, both in order of time and in importance, of the military undertakings

VOL. II. L

of this second year of the war, come the operations in the north, which were animated not only by the original desire to act upon Britain through Canada, but now also by a burning determination to retrieve or to revenge the disasters of the preceding campaign. We left Harrison preparing for an advance, which should not prove like those of the "unconquerable" heroes under Hull and Van Rensselaer, Wadsworth and Smythe, and Dearborn, but should teach the British the real worth of such citizen-soldiers as the United States relied upon for the defence of their frontiers, and the chastisement of their enemies.

By dint of great efforts, and by means of some manœuvring, a considerable force was raised in Kentucky and the adjoining states, and placed under the command of General Harrison, who was commissioned by the governor of Kentucky in a higher grade than the general appointed by the Federal Government, Winchester, who was not popular amongst the backwoodsmen, as Harrison was. This, we learn with some comfort, was effected by Henry Clay, whose skill in devising compromises might almost entitle him to be considered the type American statesman of this time.

Unable to effect anything before the end of 1812, Harrison, with the very beginning of 1813, put his troops in motion. Winchester was sent to take possession of the tract about the Rapids of the Miami, or Maumee, which had been vainly attacked by General Tupper two months before. And he effected this, although he had to march through a deep snow; dispersing the Indians who had taken posts there, and making all needful provisions, such as the collection of corn from the Indians' fields near (without payment, of course, the owners having fled, but not being the less exasperated at the plunder on that account), and the erection of a storehouse, &c. Whilst thus engaged, information was brought him from Frenchtown of the straits to which the inhabitants were reduced by the Canadians and Indians in the British service, who were ready to occupy the place, and they feared a massacre would ensue. A council of officers having been called, it was determined to send a detachment sufficiently strong to defeat the enemy at that place.

Six hundred and sixty men were therefore detached under the command of Colonels Lewis and Allen, who set out on the morning of the 17th of January; and their movements being quickened by the intelligence that Colonel Elliot was expected from Malden, on his way to attack the camp at the Rapids, marching partly on the ice of Miami Bay, and the border of Lake Erie, and driving back the Indians whom they met in the woods; about three o'clock on the next afternoon, they fell upon the enemy, consisting of about five hundred men, four hundred being Indians, and after a smart engagement, which lasted till it was dark, drove them out of Frenchtown, and pursued them for two miles beyond it; returning then in good order, with a loss of twelve killed and fifty-five wounded, they encamped before the town.

The proximity of Frenchtown to Malden, from which it could be reached on the ice, rendered the position of Lewis and Allen one of great danger, and as soon as the tidings of their success reached the Falls, "a complete ferment" was produced in the camp. "All were anxious to proceed to Frenchtown in support of the advanced corps," says M'Affee, in his "History of the Western War;" but Ingersoll seems rather to deserve credit, when he states that the



triumph of Lewis' soldiers "inspired their comrades under Winchester to almost invidious eagerness for further conflict." "Not a man under [Winchester's] command could be restrained from rushing forward to join Lewis, renew his triumphs, and share his glory. General Winchester was well disposed to lead them." Instead of recalling them with genuine strategical foresight, the commander suffered himself to be hurried away by the passion for combat, which always characterises raw unproved troops, and with two hundred and fifty men, on the evening of the 19th, marched to Frenchtown.

"Guards were placed out," M'Affee's relation proceeds, "on the night of the 21st as usual; but as it was extremely cold, no picket guard was placed on the road on which the enemy was to be expected. The night passed away without any alarm, and the *reveillé* began to beat at daybreak on the morning of the 22nd. A few minutes afterwards, three guns were fired in quick succession by the sentinels. The troops were instantly formed, and the British opened a heavy fire on the camp from several pieces of artillery, loaded with bombs, balls, and grape-shot, at the distance of three hundred yards. This was quickly followed by a charge made by the British regulars, and by a general fire of small arms, and the Indian yell on the right and left. The British had approached in the night with the most profound silence, and stationed their cannon behind a small ravine which ran across the open fields on the right."

The detachment, whose position was to be fortified on the morrow, was driven back, and in spite of the efforts of their officers, of Colonels Lewis and Allen, and of General Winchester (when he reached the field), to rally them, in spite of the assistance of two companies sent from the cover of the pickets, routed utterly; and after a retreat of three miles, through the deep snow, wholly destroyed or made prisoners. Winchester and Lewis were in the latter case; Colonel Allen was shot by an Indian whilst he paused, exhausted by a wound received in a flight he had used his utmost to prevent; Captain Simpson, over whom Ingersoll lavishes his sympathy, for he was "six feet six inches tall," and a "member elect" from Kentucky, was shot and tomahawked at the edge of the woods. The Indians "gathered round his body where it lay, to admire its gigantic proportions."

Proctor, who commanded the British, had suffered severely in his attack upon the pickets, but when he found that Winchester was captured, he at once resolved to use the advantage afforded him by his prize ("basely," as M'Affee says, who is naturally indignant at the British for possessing such an advantage), "and to procure the surrender of the party in the picketing." He therefore "assured General Winchester, that if the remainder of the Americans would immediately surrender, they should be protected from massacre; but otherwise he would set fire to the village, and would not be responsible for the conduct of the savages." Such is the American account in brief; and thereupon it says, "intimidated by this threat," Winchester "sent an order to the troops to surrender, which they obeyed." The unfortunate general had lost, it appears, three hundred men; and five hundred men, with thirty-two officers, capitulated at his bidding.

"Colonel Proctor, leaving the wounded without a guard, marched back immediately to Malden. The Indians accompanied them a few miles but returned

early the next morning. Deeds of horror followed. The wounded officers were dragged from the houses, killed and scalped in the streets; the buildings were set on fire; some who attempted to escape were forced back into the flames, others were put to death by the tomahawk, and left shockingly mangled in the highway." This is the account given by Hale and Frost, and it may be taken as agreeing with the facts as far as so general a statement can. Ingersoll says, "The Wyandot Indians, who were the principal perpetrators of the butchery, were considerably advanced in civilisation, many of them tolerably educated, most of them professing the Christian religion, to which their progenitors had probably been converted by French missionaries." Christie's narrative of this transaction, deposes that this massacre of the wounded prisoners was effected "in spite of the British," a statement which the writers of the war party strongly object to and deny, appealing to the restraint which the American commanders exercised over their Indian allies; but forgetting that the hold which the British had upon the Indians who fought on their side was very different from that of their own government, in whose suzerainty the lands of the aborigines were included; and also that the Indians who fought at the Raisin had a quarrel of their own to settle, the original dispute which Tecumseh and Elskwatawa took up, and to which the defeat at Tippecanoe had but added new desire of vengeance.

We have followed the American story in our relation, but we must observe that the "General Order" issued by the commander-in-chief of the British forces in Canada, presents a very different view of the matter; and in effect alleges that the main body at Frenchtown, after the flight of Winchester's own detachment, were attacked in the houses, from the windows of which they had galled the British troops, and "finding further resistance unavailing, they surrendered themselves at discretion." It also praises the "gallantry" of Proctor, as displayed "in his humane and unwearied exertions, which succeeded in rescuing the vanquished from the revenge of the Indian warriors." Knowing the tendency of the United States' soldiers and historians, we can but allow that this statement deserves to be taken into consideration in forming our conclusions respecting the facts of this case, respecting which, unhappily, as in so many other instances, great doubt exists as to what they actually were.

But, whatever they were, there can be no doubt that the results of this collision with the enemy "clothed Kentucky and Ohio in mourning;" nor yet that it roused the indignation of these states to a far higher pitch than it had ever before attained. The whole Union shared in these feelings, and whilst all agreed in reprobating the victorious foe—Congress even passing that Act we have spoken of, authorising reprisals—the various cliques and parties blamed, some Winchester, and some Harrison, whilst others pointed to this new and more unexpected disaster as demonstrating the unrighteousness and folly of the war altogether.

In the meantime Harrison, who reached the camp at the Rapids on the 20th, as we have said, and who had left orders to his troops at Sandusky to follow him with all speed, when the tidings of the affair at the Raisin reached him, fell back behind the Portage river, fearing to be himself attacked. But very soon he advanced again, and constructed a stronghold at the Rapids, on



the right bank of the river, which, in honour of the governor of Ohio, he named Camp Meigs. All the vicissitudes of hope and fear, respecting supplies, reinforcements, roads, &c., which the biographer of the general—for whose work (undigested though it is) we are heartily thankful—has affectionately recorded, we must leave to be pictured by our readers for themselves. They must also conceive his troubles arising from the expiration of the term of service for which the gallant Kentucky troops had enlisted; and how (anxious to avail himself of the short period which remained before the Ohio troops, and the brigades from Pennsylvania and Virginia, should depart) he planned an attack upon the enemy's vessels at Malden, which "there is little doubt," so Moses Dawson says, "would have been completely successful," had it not (in fact, like so many others of those schemes on the northern frontiers) failed.

General Dearborn was still in command on Lake Champlain, and Commodore Chauncey was directed to co-operate with him in the attack of various places upon the shores of the smaller lakes, by the possession of which the communications of the enemy could be effectually interrupted. Great exertions had been made to build and equip such a squadron in those inland waters, as should enable the commanders to cope with the British; and in the spring of this year Chauncey had under him two sloops and eleven schooners, manned with crews who regarded themselves as possessed of all the prestige which once they had ascribed to the British navy.

On the 25th of April, with sixteen hundred picked troops on board, Chauncey sailed from Sackett's Harbour, for Kingston as was supposed. But instead of landing them at that place, on the 27th, he carried them to York (now Toronto), the capital of Upper Canada. Sheaffe commanded the British forces there, but he could only collect seven hundred regulars and militia, and a hundred Indians. With these he endeavoured to prevent the landing, and maintained a stout though ineffectual resistance; until being beaten back by numbers through the woods and thickets (in the course of which, we are told, the grenadiers of the 8th regiment lost more than half their numbers), he took refuge behind the works of York. These were incapable of being maintained long, but whilst the Americans, headed by the gallant General Zebulon Montgomery Pike, were advancing to assault them, a large magazine of powder near the place blew up, killing at least two hundred of the assailants, with their commander; and also throwing down the few vestiges of defences which existed there. Whereupon Sheaffe—for Chauncey had made his way into the harbour—profiting by the confusion, set fire to such of his stores as he could reach, and to a vessel on the stocks, and retreated towards Kingston, with about four hundred regulars, who alone remained unhurt. The militia who were in York capitulated, and the victors seized upon the stores which were unconsumed, and bore away as their great trophies, a standard, a musical snuff-box, and a mace taken from the parliament house of the provincial legislature, "over which hung a human scalp," and this was presented by Chauncey to General Dearborn.

What the scalp did there is not very clear; but it proved very useful in the hands of the orators of the war party. Ingersoll, in the impetuosity of his eloquence, whilst enlarging upon this discovery, not only quotes Benjamin

Franklin's fictitious State Papers, as we have said, but assures us that, when Chauncey left York,—after two or three days spent in “embarking the booty,” and the wine in particular,—it was “with the scalp taken as suspended, with the mace of the serjeant-at-arms, near *the Speaker's chair* (*killed in the action*) in the parliament house.” Which leads us to believe that he may have made many other mistakes, both in conceiving and in narrating the matters he treats of.

After visiting Sackett's Harbour, and disposing of the wounded and the prisoners, having taken reinforcements on board, to the number of above five thousand, the fleet sailed for Fort George, on the Niagara river, at the head of the lake. There, under cover of the vessels, the advance, five hundred strong, landed, under the command of Colonel Scott and Major Forsyth; and being followed by the brigades of Generals Boyd, Winder, and Chandler, the enemy fled, giving up his works and blowing up his magazines, or else “Captain Hindman, entering first, was fortunately able to remove the match, before the fire had reached the powder.” “In a few hours, Fort George, Fort Erie, and the other fortifications in the vicinity received new masters.”

In this affair, it is said that the British lost a hundred and eight killed, and half as many more wounded, while six hundred were made prisoners; of the Americans, as many were wounded as were killed on the part of the British, and only thirty-nine were killed. Captain Perry was now, too, busy at Presque Isle, “preparing the timber for the construction of those vessels, with which he afterwards obtained such imperishable renown,” and withal inflicted new and unusual losses on the enemy. But in the meanwhile, “Colonel Proctor, crossing Lake Erie, made a dash with nine hundred regulars and militia, and twelve hundred Indians, at General Harrison, who lay with his division near the Rapids of the Miami,” as we have seen, and who was beset with so many difficulties and perplexities, according to his biographer, as to make his very existence there a matter of marvel, if not of miracle.

“On the 1st of May, a cannonade was opened upon the fort. General Clay, at the head of twelve hundred Kentucky troops, arrived near the Rapids on the morning of the 5th of May. He was met by a messenger from Harrison, who communicated to him his orders. Dividing his force into two parties, he sent one of them, consisting of about eight hundred men, under the command of Colonel Dudley, to attack the enemies' batteries on the side of the river opposite the fort; the other he led himself against those near it. He succeeded, by the aid of a sally from the besieged, in fighting his way into the fort. Colonel Dudley, making an impetuous onset, drove the enemy from their works. His troops, supposing the victory complete, and disregarding the orders of their commander, dispersed into the woods.” The result we may tell in Alison's words. “Having incautiously followed up their success too far, these regiments were surrounded by the British and Indians, and after a desperate struggle, totally defeated, with the loss of two hundred killed and wounded, and five hundred prisoners, whilst the English lost only fifteen killed and forty-five wounded.”

On embarking for York, General Dearborn had left Sackett's Harbour in rather a defenceless state; which induced Sir George Prevost, at the head of



seven hundred troops, to combine with Sir James Yeo, whose squadron on Lake Ontario had recently been very considerably reinforced, to put to sea on the 28th of May from Kingstown, and attack that American post both by land and water. The expedition excited great interest both in Canada and Great Britain, and the most sanguine hopes were entertained by the British, that it would lead to the destruction of this growing and formidable naval establishment of the enemy. These hopes, however, were disappointed. General Brown, of the New York militia, had the chief command at the Harbour, and on the 29th he detached Colonel Mills with the militia (whom he charged strictly to reserve their fire) and the Albany volunteers to oppose the landing of the British. Brown had hastily thrown up a slight breastwork at the only place where this could be effected.

At first, although exceeding the attacking force by four or five hundred men, the Americans were driven back. The militia, true to their principle of personal independence of all orders, fired before it was possible for a shot to tell; the skirmishers were driven back, and the civilians, with far better discretion than valour, fled, notwithstanding the efforts of Mills to rally them, and unmoved by his death, for he fell in the attempt. The invaders, thus left in possession of the peninsula, advanced against the loop-holed blockhouses; before which some four hundred regulars, under Colonel Backus, were drawn up. But the resistance made by this small band was so desperate, and the fire from the blockhouses so tremendous, and Brown, having succeeded in rallying about a hundred of the fugitives, made so well-timed an attack upon their rear, that the bravest of the British recoiled.

Prevost advanced with his staff to encourage the men; one of his officers fell dead at his side, but, notwithstanding all his efforts, the strait could not be passed. Meanwhile the utmost terror prevailed among the Americans in the rear: in the first moment of alarm, when the militia fled, their officers actually set fire to their naval storehouses, arsenal, and barracks, which were speedily consumed.\* While the flames were yet burning, however, Colonel Tootle, with a reinforcement of six hundred militia, approached the American works. The British were reduced to three hundred and fifty men by the terrible discharges of grape and musketry which issued from them: they had not a single gun to beat down the palisades, or silence the enemy's cannon; and the fleet could not approach the shore to co-operate in the attack, owing to adverse winds. In these circumstances ultimate success was hopeless, and in fact the capture of the place must have been immediately followed by the surrender of the handful of British who remained for the assault. Prevost, therefore, wisely drew off his forces, and returned to the British shore.

Brown was rewarded for his services by the appointment of Brigadier in the regular army. Prevost was assailed with all the acrimony that could be generated by disappointment in the minds of those who had exulted in the anticipation of success. Nevertheless, the principal object of the expedition, the destruction of the stores, had been accomplished; and that, too, by the

\* The spoils of York perished with the other stores, so that the flag, the mace, and that scalp taken from the "Speaker's chair (killed in the action)," according to Ingersoll, were all that remained.

Americans themselves :—it “caused the loss of the supplies which were essential to the success of the campaign,” say the American authorities. According to them, also, this was “the last American success in 1813, on Lake Ontario, or the St. Lawrence, where the enemy’s good fortune afterwards never failed, except in Chauncey’s partial success on the lake.”

It would be as uninteresting as it would be useless to detail all the incidents of this border warfare. We pass on to the more important events of the strife upon the ocean, which was carried on with various fortune. The first victory this year was won by the *Hornet*, 18, Captain Lawrence. In the preceding year, this vessel had endeavoured to decoy the *Bonne Citoyenne*, a British sloop of the same rate as itself, out of the port of St. Salvador, or Bahia, by challenging her captain. After three weeks, however, one of the enemy’s seventy-fours drove the *Hornet* away, and thus relieved the *Bonne Citoyenne* “from the awkward necessity of fighting with considerable treasure on board, or of the still more unpleasant dilemma of appearing indisposed to meet a ship of equal force.” Soon afterwards, on February 24th, the *Hornet*, having captured several prizes, fell in with the *Peacock*, 18, off the mouth of the Demerara river. The British vessel was, as in other instances, inferior to the American in tonnage, weight of metal, and crew; and in like manner with the others, it was completely vanquished.

As soon as Captain Lawrence was satisfied that the vessel he had discovered was an enemy, the *Hornet* was “cleared for action, and her people went to quarters.” She was kept close by the wind, too, in order to gain the weather-gage of her antagonist, who continued running free. The two vessels “passed within half pistol shot, delivering their broadsides as the guns bore, each vessel using the larboard battery. As soon as they were clear, the Englishman put his helm hard up, with the intention to wear short round, and, get a raking fire at the *Hornet*, but the manœuvre was closely watched and promptly imitated, and, firing his starboard guns, he was obliged to right his helm, as the *Hornet* was coming down on his quarter in a perfect blaze of fire. The latter closed, and maintaining the admirable position she had got, poured in her shot with such vigour, that” within an hour and a half from the commencement of the action, “the enemy not only lowered his ensign, but hoisted it, union down, in the fore-rigging, as a signal of distress. His mainmast soon after fell.”

The signal of distress, says Alison, “was answered with praiseworthy humanity by the brave Americans, and every effort was made by the crews of both vessels to save the disabled ship. But, notwithstanding all their efforts, she went down in a few minutes, with thirteen of her own crew and three of the *Hornet*’s, who were engaged in the noble act of striving to save their enemies.” The captain of the *Peacock* and four men were killed, and thirty-three wounded; whilst there were but one man killed, and two wounded on board the *Hornet*. Only one shot fired by the *Peacock* struck the hull of her adversary, and it did no more damage than that of “indenting a plank beneath the cat-head.” So many disasters at sea impressed the British government with the necessity for the most vigorous efforts, both to retrieve their naval losses, and to prevent the recurrence of such ignominious defeats.



All along the Atlantic coast, this year, an annoying and predatory warfare was carried on by the British. In February, two ships of the line, four frigates, and several smaller ships of war, under the command of Admiral Sir John Borlase Warren, took possession of Hampton Roads, in Chesapeake Bay; and in the following month, Captain Beresford, with a seventy-four and a frigate, made himself master of Delaware Bay. The entire force of the British fleets on the American coast, between Halifax and the Bermudas, at this time consisted of some six seventy-fours, thirteen frigates, varying in rate from thirty-eight to thirty-two guns, and eighteen sloops, carrying about twenty guns each; so that, notwithstanding the successes of the Americans in the combats we have related, ship against ship, they were totally unable to make good their claim to be considered a naval power in opposition to Great Britain.

Congress, however, had, under the influence of the new democratic party, passed measures for the purpose of offering some resistance, at least, to the armament which thus rode triumphantly in the American waters;—that is to say, if it would be so courteous as to look upon the Acts of Congress, as a chivalric challenge, and wait until the four seventy-fours, and six frigates of the first class, which the President was authorised to build, should be ready for action! It may also be recorded, that it was by a very small majority that this truly Federalist policy was adopted by the House. And whilst this navy was preparing, premiums were offered to induce inventive and adventurous individuals, by means of submarine infernal machines, to protect the harbours of the United States; which Jefferson's gun-boats were once more demonstrated to be incapable of defending. Some of the state legislatures, too, of a democratic complexion, projected patriotic contributions of ships of war, to be built, armed, and equipped at the expense of their states, severally, to the infant marine. But the spirit of the original democracy, which was so near prevailing in Congress, prevented the accomplishment of these projects.

On the 20th of March, the whole Atlantic border of the United States, with the exception of the coasts of New Hampshire, Massachusetts, and Rhode Island, was declared to be in a state of blockade; and with respect to the more important harbours, this blockade was strictly enforced. From time to time, expeditions of light vessels, or boats, were despatched from the blockading squadron, against different points of the coast; whilst the ships themselves menaced, now Washington, now Annapolis, and now Baltimore; so that the entire sea-board was kept in a continual state of alarm, and the militia exhausted by being ceaselessly on active duty.

Lewistown, a village near the mouth of the Delaware, was bombarded, the Americans said, because the inhabitants had refused to supply fresh provisions to the enemy. Frenchtown, Havre de Grace, Georgetown, and Fredericton, were plundered and burnt. An attack on Craney Island failed, it having been fortified, and the water being too shallow to allow the boats to get sufficiently near the shore to land the troops, and Norfolk and Portsmouth arsenals were, in consequence, saved. The fortified post at Hampton was, however, stormed; and in Ocracoke harbour, two fine brigs were captured. Hampton, the Americans alleged, was given up to the will of the victorious soldiers; and it was admitted by the British, that "some acts of violence were committed against

the inhabitants in the heat of the assault." The name of Admiral Cockburn became a terror to the inhabitants of the banks of the Chesapeake and Delaware. Although no great results attended these operations, they demonstrated to such of the people as had not joined the fanatical war-party, how terrible a mistake the administration had committed, in declaring hostilities against Great Britain.

During this summer the first proof was afforded of the beneficial results to the British government of the numerous defeats which their ships had experienced. The command of the Chesapeake had been given to the gallant commander of the *Hornet*, and while she was refitting at Boston, the two British frigates, the *Shannon* and the *Tenedos*, frequently appeared off the harbour, as if to challenge some of the vessels lying there to combat. On the 1st of June the *Shannon* alone made its appearance, Captain Broke having sent away his consort, with instructions not to return for three weeks. "This able officer," says Alison, "commanded a frigate pierced for thirty-eight guns, but really mounting fifty-two; and, contrary to the general practice in the British navy, he had for many years trained the crew, whom by admirable management he had brought to the highest state of discipline and subordination, to the practice of ball firing with great guns."

Some disaffection existed among the crew of the Chesapeake, on account of the prize-money of the last cruise, which was still unpaid. She had also an unusual number of mercenaries and landsmen in her; some of the officers, too, were deficient in experience. But she exceeded the *Shannon*, both in the number of her crew, and in the weight of her broadside. In the number of guns the vessels were equal. Understanding that the Chesapeake was ready for sea, Captain Broke stood in to the mouth of the harbour, and despatched to Captain Lawrence a courteous invitation to single combat, "to try the fortunes of their respective flags." But before this *cartel* could be received, the American captain, seeing the British vessel lying close in to the lighthouse, with colours flying, determined to chastise its commander for so daring a defiance, and weighing anchor, went "gallantly down, with three flags flying, on one of which was inscribed, 'Sailors' rights and free trade.'" "Numerous barges and pleasure-boats, amidst loud cheers, accompanied her some way out, to what they deemed a certain victory."

It was twelve, meridian, when the Chesapeake weighed, and Broke, finding his challenge accepted, at once stood out to sea. When about thirty miles from the light, at about five, p.m., the Chesapeake signalled the *Shannon* to heave to, and, with three cheers, ran up alongside her, at the distance of about two hundred yards. As she passed, not more than a stone's throw off, the *Shannon's* guns, beginning with her cabin guns, were fired in succession from aft forward, and as they were heavily loaded with two round shot and a hundred and fifty musket balls, or one round and one double-headed shot in each, they did fearful execution. The Chesapeake did not fire till all her guns bore, when she delivered a very destructive broadside. Two or three broadsides were then exchanged; and, "so far as the general effect of the fire was concerned," the Chesapeake had the best of it; but some of her rigging had been shot away, and in attempting to haul her foresail up, she fell on board the *Shannon*, whose starboard bower anchor locked with her mizen channels, and she lay exposed to



a raking fire from the enemy, who swept her decks with the contents of two thirty-two pounders carronades, beat in her sternposts, and drove the men from their quarters. The veteran boatswain of the Shannon, at the cost of his own life, lashed the two ships together, while their marines exchanged a sharp and galling fire of musketry.

Captain Lawrence was severely wounded before the vessels fouled, and in preparation for that, he directed the boarders to be called; but instead of a drummer, there was only a bugleman, and he, a negro, "was so much alarmed at the effects of the conflict, that he had concealed himself under the launch, and, when found, was so completely paralysed by fear as to be totally unable to sound a note." The word was then passed for the boarders to come on deck; but at this very instant, the captain fell, with a ball through his body. No other officer, higher in rank than a midshipman, remained on the upper deck, and when the boarders came from below, such was the confusion, that they were unarmed, and the enemy was now in possession of the vessel: for the British on their side, as soon as the vessels were made fast, were prepared to board, and their captain, at the head of the boarding party, leapt upon the Chesapeake's quarter-deck, quickly followed by another party to the forecastle, whilst the sailors of the Shannon's foreyard forced their way into the Chesapeake's tops, and cleared them.

Three American sailors, who had previously submitted, made a furious assault upon Captain Broke, as he stood almost alone on the Chesapeake quarter-deck, but he succeeded in parrying a mortal thrust, though he was badly wounded with a sabre-cut and a blow from the butt end of a musket. "Fifteen minutes after the first gun was fired, the Chesapeake was entirely in the hands of the British." On board the American ship forty-eight were killed and ninety-eight were wounded; while the Shannon lost twenty-four killed and fifty-nine wounded, principally by the Chesapeake's broadsides. Lawrence died of his wounds five days later, and was buried with military honours at Halifax, whither both ships proceeded very soon after the action; his words (or such as were attributed to him), "Don't give up the ship!"—"Fire faster!" uttered as he fell mortally stricken, have become a "saying" in the United States; and when Perry went into action on Lake Erie, a flag inscribed with them was flying at his mast-head.

Both in America and in Great Britain the effect of this engagement was prodigious. In the latter country it was hailed as a demonstration that the reiterated defeats which had been inflicted on its ships were not owing to any decline in its naval might, but were to be ascribed rather to the superiority of the American vessels in every combat, and to their assiduous practice of naval gunnery. Whilst the Americans, having begun to fancy themselves invincible at sea, experienced an amount of chagrin, on seeing their *prestige* thus early dashed, that cannot be described; and which neither all the considerations that could be discovered or invented to account for the defeat, without relinquishing the notion of American invincibility, nor the years which have elapsed have, even at the present day, entirely assuaged.

The President's second Inaugural Address, and the Message with which he opened the extraordinary session of Congress, on the 25th of May, relate almost

wholly to the war, but they are not possessed of the least value as state papers, since they are, in fact, merely exaggerative echoes of the expressions of the *esprits exaltés* of the war party. The same may be said of most of the Message sent to Congress on December the 7th; for not only is the summary of the events of the half-year preceding strongly tinged with mere party feeling; but the favourite and oft-repelled and refuted charges against the British government are repeated and enlarged upon, as if it were a *concio ad populum*, instead of the address from the executive of a great nation to its legislative bodies. The sole interest attaching to such documents is that which they share with all the other provocative publications and appliances resorted to by the American sciolists in statesmanship, who, having hurried the country into hostilities, could see safety for themselves and their "policy" only in perseverance.

The matter of greatest importance mentioned in these *quasi* state papers, was the attempt to negotiate a peace, by the mediation of Russia. The inclination of the democratic party to this potentate we have repeatedly been apprised of; and, taken in conjunction with their resolute Gallomania, even when the most absolute of absolute monarchs, Napoleon, *was France*, it affords us a fair measure of their love of popular liberty; and of the same kind as we meet with in another quarter—their fanatical maintenance, both in practice and in theory, of slave-holding.

In the autumn of the preceding year, the Russian minister at St. Petersburg, Romanzov, suggested to John Quincy Adams, that his master could, perhaps, and certainly would, offer to mediate between the United States and their parent country. On March the 8th, 1813, Daschkov, ambassador from Russia at Washington, formally offered to the President the use of his good offices in this way; declaring, it is alleged, that "the Emperor took pleasure in doing justice to the wisdom of the United States' government, and that he was convinced that it had done all it could to prevent the rupture." From which we can draw certain conclusions respecting the Emperor, which it is very probable other sayings and doings of his will justify. Three days later Madison formally accepted Alexander's offer, and very soon appointed Messrs. Albert Gallatin—who, as finance minister for a war he disapproved, held a difficult and thankless position in the cabinet—John Quincy Adams (out of compliment to the Czar, amongst other reasons), and James A. Bayard, commissioners, or envoys, to negotiate with Great Britain, under the mediation of Russia, a treaty of peace.

Gallatin and Bayard immediately embarked at Philadelphia in the *Neptune*, under a flag of truce, to join Adams at St. Petersburg, where they arrived about midsummer. Adams did not hear of the declaration of war until October, 1812; and did not receive the official communication regarding it till December. This was when that unparalleled struggle was over, which proved to be the first of the long series of catastrophes whereby the colossal power of Napoleon was overthrown and broken; and the offer of mediation appears to have been made by the Czar, in the first flush of his triumph, and as a trial of his capability to play the part which Russian ambition seems then to have aspired to play—that of umpire and arbiter of the civilised world.



Castlereagh, and the British government, then in the full enjoyment of their triumphant combinations against the French emperor, and foreseeing in his repulses at the two extremities of Europe the pledge of his ultimate downfall, declined the offer of their stipendiary ally. From the English newspapers it appears that they naturally revolted from the thought of submitting the decision of the extent of the maritime rights of Great Britain to the proposer of "the Armed Neutrality." But two months later, they expressed their willingness to open communications directly with the United States, and proposed London, or Gottenburg, in Sweden, as the place of meeting for the commissioners of both parties;—"the established maxims of public law, and the maritime rights [which to the Americans then, and to Britain herself afterwards, were merely *claims*] of the British empire," being always excepted from the list of matters to be discussed. This offer the American envoys were unable to accept; their powers being limited to negotiating peace under the mediation of Russia.

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## CHAPTER V.

CAMPAIGN OF 1814, AND END OF THE WAR.—WAR MEASURES.—THE BRITISH IN THE CHESAPEAKE AND THE POTOMAC.—WASHINGTON BURNT.—ATTACK UPON BALTIMORE.—NAVAL WARFARE.—THE WAR IN THE SOUTH.—INVASION OF LOUISIANA.—JACKSON'S VICTORY AT NEW ORLEANS.—FRESH NEGOTIATIONS.—PEACE OF GHENT.

HOSTILITIES between the United States and Great Britain had now reached the internecine stage. But the circumstances of the belligerents had undergone a considerable change. America was almost exhausted by the contest; and so greatly torn by internal dissension—though the numerical strength of the two parties was most disproportionate—that the breaking-up of the Confederation was confidently expected. The spirit of the war party, however, failed not. Volunteers were ever ready for limited periods of service, in the ultramontane states; and though money was more scarce than ever, and even weapons were sometimes wanting, men to fight the battles of their country could always be found.

Great Britain, too, was exhausted by war, but owing to the peculiar character of her institutions, and the yet more peculiar temper of her sons—albeit that she too was rent by civil discord—neither men, nor money, nor any of the material or moral requisites for the war were lacking; whilst by the triumphant, though temporary, extinction of the great European contest, she was now at liberty to direct against the United States a stronger amount of force than hitherto she had employed. Her chief attention, nevertheless, was still devoted to the affairs of the Old World, for it was with the older states of Europe that her most intimate and momentous relations, both hostile and pacific, had been contracted; and she did not understand the importance of her connections with the Imperial Republic of the West—she did, indeed,

entertain even a contemptuous feeling for America, and continued to despatch against it small armaments, and undistinguished leaders, as if she either did not comprehend its warlike energy, or did not care for such laurels as could be gathered on its shores.

We mentioned the capture of Fort Mackinaw, or Michilmackinac, by the British, at the first outbreak of hostilities, and its retention when Upper Canada was invaded and occupied by the Americans. Colonel M'Dowall had been left in command of this place, when Proctor retreated from Amherstberg; and its importance, as a means of communication with the Indians of the western territories, was correctly estimated by him. To ensure the reduction of this important post, "three different expeditions," says Alison, "were set on foot by the Americans at the same time, in spring, 1814; one from Fort Lewis on the Mississippi, one from Detroit, and one from Chicuco. M'Dowall had under his command only two hundred and thirty-two men, of whom sixty were Canadian militia, and a hundred Indians. Out of this diminutive force he fitted out a small body, about a hundred strong, under the command of Major Mackay, of the Canadian militia, who succeeded, by extraordinary gallantry, in making themselves masters of about five hundred miles of territory, and capturing and holding an American fort on the Mississippi." But, during their absence, the American cruising squadron, consisting of two ships of twenty-six guns each, and several large schooners and small boats hove in sight, under Commodore Sinclair, having upwards of nine hundred land troops on board. To oppose this force, M'Dowall had now only one hundred and fifty men;\* but such was the ability of the dispositions which he made, that he gained the advantage in every encounter, and drove the Americans back to their ships with great loss. A tedious blockade was now established, but from that also the gallantry of a British officer relieved the fort. "On a cloudy and dismal night, the 3rd of September, Lieutenant Worsley," with tiger spring, contrived to get possession of one of the blockading schooners, and two nights later, of the second—"and the Americans were obliged to raise the siege and abandon the enterprise."

During the winter great exertions were made in Canada to prepare for the warfare, which the coming spring would certainly see renewed upon its frontiers. Liberal grants of money were made by the houses of assembly; the most distinguished commanders in the previous campaign received votes of thanks for their services; and the military establishment was increased till it was, according to Ingersoll, "much more respectable than that of the United States. Six battalions of embodied militia, nearly four thousand strong, other militia and provincial corps, frontier light infantry, voltigeurs, and lake sailors, at least as good as the common British seamen, constituted altogether, with their Indian allies, a considerable force, *better disciplined and more obedient than ours.*"

Ingersoll speaks lightly of a great council held at Quebec, in the month of March, attended by chieftains and warriors from almost all the northern tribes of Indians. And yet it showed how deeply the deprivation of their lands, whether by exchange, or purchase, or by whatever means, had embittered their

\* Not nine hundred, as Ingersoll states.



hearts against the Americans; and that this was the ground of their joining with Great Britain in the present conflict. The outcry of the American government and the democratic party against the employment of these savages, in a warfare where the belligerents were civilised nations, was this year deprived of what little propriety it originally possessed, by the enlistment of as strong a body of them as could be raised by the administration, by a regular treaty, and under the circumstances which the following sentence indicates:—"From the 20th of June till July, 1814, Generals Harrison and Cass received the tribes, to the number of one thousand warriors, with three thousand followers, most of whom had been employed with the English in the war against the United States, who engaged to take the tomahawk against their old allies." We may, however, state here, that the Indians do not appear to have served the American side with the efficiency they displayed when in the pay of the British, for before the campaign was over they had either "departed," or had been "dismissed;" whilst they continued to be the portion of the British forces most dreaded by the regulars, volunteers, and militia of the United States.

The army on the northern frontier, disheartened by failure, and never subjected to very exact discipline, was rendered still more incapable by commanders without influence or military skill, and a plan of operations constructed by men who had not the power to "organise victory." At length nothing was thought of except the defence of the boundary line; Wilkinson was stationed at Plattsburgh, and Brown at Sackett's Harbour; and matters rested for awhile. Several minor affairs took place, however, at different points, and marked by various success. In one of them, Captain Holmes had the good fortune to see his victory acknowledged in the British general orders, as well as to win a majorship for himself. In another, Wilkinson lost yet more of his already diminished reputation, by suffering a severe repulse, with considerable loss, from the outpost at La Cole Mill; and he was shortly afterwards removed from his command.

About midsummer, the invasion of Upper Canada was once more attempted by the American forces, which had been collected at Buffalo, Black Rock, and other places on the Niagara frontier, under Generals Brown and Scott. Early in July, General Ripley was sent across the river with two strong brigades, but not, as Alison states, at the head of nearly *five* thousand men, the whole invading army not amounting to that number. They not only effected their landing without opposition, but captured Fort Erie and its entire garrison of a hundred and seventy men, without firing a shot. And thus, at the very outset of the campaign, Brown's good fortune was apparent.

Not far from Erie was the intrenched position of Chippewa, and having secured a stronghold like Fort Erie as a base of operations, Brown resolved to attack it. General Riall, who commanded there, could easily have checked the advance of the invaders by removing the bridge over the Chippewa river, but he omitted this precaution. His force was inferior to that of the Americans, consisting of only fifteen hundred regulars, and about a thousand militia and Indians. Within two miles of the enemy Brown halted, and drew up in regular order; and on the following day Riall left his intrenchments and accepted the challenge to battle. At five in the morning of the 5th of July the action

commenced, the Canadian militia and Indian allies attacking the American volunteers, the redoubted marksmen of Kentucky, who stood their ground so bravely, and dealt such deadly shots into the ranks of the enemy, that not till some of the regulars came up were they driven back.

"The main body," says Alison, "advanced to the attack in column, the Americans receiving them in line, thus reversing the usual order of the British and French in the Peninsula campaigns. The result was the same as what had there so often occurred, the head of the British column was crushed by the discharges of the American line, which stood bravely, and fired with great precision; and though they succeeded in deploying with much steadiness, the loss sustained in doing so was so serious, that General Riall was obliged to retreat with the loss of one hundred and fifty men killed, and three hundred and twenty wounded." Towson's artillery was served with remarkable skill and effect, and the victory was ascribed in no small part to a daring movement—a bayonet charge—by Major Jessup, in the midst of a destructive fire from the British troops. The Americans lost three hundred and twenty-eight men.

As this was the first decided victory gained on land during the war, the Americans, overlooking and even denying the advantages of their superior numbers, hailed it with unbounded joy as an augury of coming triumphs. The *prestige* of British invincibility appeared to be broken on both elements, and the most confident anticipations were now indulged of the acquisition of the whole of Canada, as a second and more nobly-gained Louisiana, to add to the grandeur of the Union.

Soon afterwards, Riall, finding his communications threatened, withdrew from his intrenchments and fell back upon Queenstown, and thence to Twenty-mile Creek, abandoning Queenstown to the Americans. Brown followed him in his retreat as far as Fort George, into which Riall threw part of his forces, but there his advance ended. According to the plan of the campaign, Chauncey should have met Brown there with the flotilla, both for supplies and reinforcements; but the British held the mastery of the lakes, and their vessels only were to be seen at Fort George when the Americans arrived in its vicinity. There seems to have been some misapprehension on the part of Chauncey as to the part he was expected to take in this campaign; or else, as we have seen in the case of other co-ordinate commanders, he chose rather to see his country defeated than contribute to her triumph in a subordinate position.

Disappointed thus of the co-operation of the fleet, not reinforced as he expected, deserted by the Indians, who certainly had no reason for ranging themselves on the American side, and could not be regarded as faithful allies, Brown had no resource but retreat, yet, resolved not to abandon the enterprise he had so hopefully begun, he formed the desperate, or, as Ingersoll designates it, heroic determination to leave his baggage, and make a dash at Burlington Heights. For this purpose it was needful to return to Chippewa, which he reached on the evening of the 24th. General Riall, reinforced so that he now had about three thousand men, immediately proceeded from his intrenchments in pursuit. On the 25th, at Bridgewater, near the falls of Niagara, the two armies met, and a most bloody battle ensued, which lasted till midnight, and ended in the defeat of the Americans. Both sides claimed the



victory, the Americans, because they captured most of the British guns, and drove the enemy from his position; the British, because they recovered all their guns, and, as Ingersoll says, "*found* a cannon accidentally left" by the Americans in their retreat, and because they were eventually left masters of the field—the Americans not only not venturing to attack them on the morning after the fight, but actually withdrawing in an almost precipitate flight. Each side also exaggerated the comparative numbers of the enemy, both as to his forces in the field, and his loss in the battle. "The result of the action was of the highest importance" to the British, "as it entirely stopped the invasion of Upper Canada, and threw the Americans, lately so confident of success, back into Fort Erie, where they were immediately besieged by a force little more than half their amount."

Another series of incidents in the north requires notice. In July, the British attempted by a new method to settle the long-disputed question of the north-eastern boundary. Under the pretext that they considered it a part of the British dominions, Eastport, situated on Moose Island in Maine, was occupied by the troops of the enemy. The other islands in Passamaquoddy Bay were also taken possession of by the British. On the 1st of September a squadron of British vessels entered the mouth of the Penobscot, and took possession of Castine and Belfast. They destroyed all the vessels which they found there, garrisoned the former place, and thence proceeded against other places in the vicinity. All the country east of the Penobscot river, which Great Britain had formerly contended was the true St. Croix, was at the same time claimed as British territory; and it would undoubtedly have proved extremely valuable to Great Britain could she have made good her claim, since the only convenient route between Canada and Nova Scotia crossed this very tract. Thus, as the democrats said, "without a blow struck, part of Massachusetts passed under the British yoke; and so remained, without the least resistance, till restored at the peace. It was the only part of the United States under undisputed British dominion." They who, besides refusing to this part of the Union the protection of the regular troops, unconstitutionally ordered the local militia to serve in the invasion of Canada, ought, however, to have been sparing in their reproaches against New England.

Admiral Cockburn had more than once menaced Washington in the preceding year; and much patriotic oratory, with reports of the every way perfect and complete naval and military defences of the seat of government, the appointment of a fast-day, and satirical triumph when the squadron in the Potomac turned aside in pursuit of some other object, had shown the sense of their danger, which the administration and the war party generally possessed. We shall now test the value of these reports, and see if either humiliation or triumph were indications of such wisdom in any branch of the government as the circumstances of the nation required.

Not that the need of preparation was altogether overlooked. Nearly a hundred thousand militia were called for by the President without any Act of Congress; fortifications began to rise in the vicinity of exposed places; volunteers hastened to the defence of the coast; the gun-boats were collected into

squadrons, to act more effectively (if they would act at all) when they seemed most to be required. Most astonishing thing of all, half the idle and angry private discussions on the justice of the war, and its past fortunes and misfortunes, were quashed; for the protection of the country from invasion grew to be the question of paramount importance, wherever there was any wealth or shipping that appeared likely to attract the invaders. The assembling of transport ships and convoys at the "still-vexed Bermoothes," bade fair to inaugurate such unanimity in the states as had not been known since the declaration of independence.

In the middle of August the hostile squadron effected a junction with Cockburn's in Chesapeake Bay. Passing the mouth of the Potomac, the armament ascended the Patuxent, by which route it was more easy for the army to reach the metropolis; and on the 16th, without meeting with the least semblance of opposition, the forces were disembarked at Benedict, and leaving their ships there, began the march upon Washington. Including negroes and sailors, the number engaged in this daring exploit did not exceed four thousand five hundred men. The advance was slow; for not only did the total absence of resistance suggest the need of precaution against ambushes, but the soldiers, long cooped up in the ships, were too much fatigued by the weight of their accoutrements and provisions to proceed rapidly. After a day or two, a few of the famous riflemen of the backwoods showed themselves to the invading force, who also caught sight of bodies of American soldiery,—now posted on some rising ground, whence they hastily withdrew as the British advanced,—now rapidly evacuating some town, as the British entered,—and now enveloped in clouds of dust, as they crossed the line of the British march. Later still, at night, the outposts were conscious of the near approach of small parties of Americans, apparently intent on the capture or death of stragglers; and they were so many, in consequence of the heat of the weather and the peculiarities of the country and climate, that the halting-places were never many miles apart. The inhabitants of both country and towns disappeared in mass before the face of the invaders.

Could a "paper-muster" (as an English writer has designated such arrays) have preserved the American territory from being violated, Washington was amply guarded. Raised to the dignity of a distinct military district, Columbia, and the parts of Virginia and Maryland immediately adjoining it, ought to have been in no danger. Sixteen thousand six hundred men had been placed at the disposal of General Winder, the chief of the district, to cover the capital; and behind that imposing force appeared at least ninety-three thousand militia, the whole strength of the Old Dominion and Pennsylvania, which had even "cheerfully" been granted, in answer to the requisition of the government, for the defence of the *lares* and *penates* of the nation. But the only part of all this civic army which could not well shrink from its duty—the artillery, actually made its appearance in the field. The strong flotilla of gun-boats was commanded by the same Joshua Barney, who once, under letters of marque on a naval commission from the French revolutionary authorities, had plundered the merchantmen of his country, and threatened the vengeance of France if a Federalist President should be elected. But though the gun-boats, like himself, were undoubted republicans, instead of resisting by so much as a single gun fired at the enemy, the descent



of this English armada, they only fled before the squadron, and sought refuge in the deepest recesses of the waters they thus had suffered to be violated. Three days after the British had landed, Barney, unable to save his vessels, blew up, or burnt, fifteen of them—the whole fleet, save one, which, with thirteen merchant ships, fell into the hands of the enemy.

Madison's position we do not pretend to describe; nor to report the proceedings of cabinet councils and other meetings, now that the war, which he never had much heart for, stood threatening at his own doors. Let Ingersoll depict for us his circumstances at this season of alarm:—

“There were no funds, though the city banks proffered a few hundred thousand dollars of their depreciated, and in a very few days unconvertible paper,—as, with the fall of Washington, all banks south of New England stopped payments in coin. There were no rifles; not flints enough; American gunpowder was inferior to English; there was not a cannon mounted for the defence of the seat of government; not a regular soldier there; not a fortress, breastwork, or military fortification of any kind within twelve miles. The neighbouring militia of Maryland and Virginia were worn down by disastrous and mortifying service, routed and disheartened. The proportion of regular troops, all of them mere recruits, never tried in fire, was like that of coin to paper, in the wretched currency—so small an infusion of the precious metal, that there was scarcely any substance to rely upon.”

General Winder's camp and army were encumbered rather than encouraged by the presence of the executive of the United States himself, with his secretaries of state, war, and navy, and attorney-general. Contradictory rumours, and, in general, “great alarm,” prevailed there, and made it a scene as remarkable as that “Camp of Wallenstein” in Schiller's immortal drama. “Such was the laxity of discipline, insubordination, and turbulence, probably unavoidable in a heterogeneous assemblage on a sudden, of citizens armed and unarmed, that an old officer present described the camp as open as a race-field, and noisy as a fair; the militia and sailors boisterous with mirth or quarrels, the counter-sign given so loudly by the sentinels that it might be heard fifty yards.”

On the 23rd, the British, falling in with a strong body of Americans, practised a very stale trick upon them: they wheeled off from the main road, and took the direction of Alexandria. Yet the bait took, General Winder abandoned the strong position he had seized on the main road, “harassed his troops by a needless march towards that town, and discovered his mistake only time enough to occupy the heights of Bladensburg,” just before the enemy came in sight, on the following day. Before this unwise retreat was undertaken, the President reviewed above three thousand men, in Winder's camp, in the hope of raising in the breasts of the soldiers a courageous animation he did not himself possess. New bands of militia and volunteers joined subsequently; but not in such numbers as the war party boasted of, as waiting only the call of their country, to fly to her standards. One account makes the force which occupied the road at Bladensburg consist of seven thousand four hundred men; another, based upon official statements, raises it to nearly nine thousand. We may also observe, that they fully believed the invading army to number at least ten thousand men; though it really was less than half that strength.

Leaving Winder posted in three lines on the rising ground above Bladensburg, with twenty-six guns commanding the only bridge by which the narrow ravine and stream in his front could be crossed, let us mark the conduct of the executive and his heads of departments. Every man appears to have been willing to contribute whatever he had, that was to assist in making a general and an army. Monroe rode over to the field early in the day, and counselled the loan of General Armstrong to the dejected commander at Bladensburg; the secretary of the treasury, whom the state of the finances had plunged in a very "slough of despond," lent his duelling pistols (proved, it is said in mortal conflict on the spot where the army now stood) to the President. Madison and his staff of civilians, hearing of the approach of the enemy, and desirous of affording his countenance to Winder and his men, were very near riding into the ranks of the British, by mistake. He soon found out that he could do little to aid, and at the first onset he returned to Washington.

Though ready to drop with fatigue, when commanded to advance, the British pushed into the village, which the Americans had neglected to occupy. After a short *reconnaissance*, during which the column sheltered itself from the fire of the American guns behind the houses, they made a dash at the narrow bridge, where they suffered severely both from the artillery and from Pinkney's riflemen. "If it rain militia," said Ross, "we will go on." Covered in their attack by volleys of rockets, they wheeled off to the right and left of the road, and quickly cleared the thicket of the American skirmishers, who, falling back with precipitation upon the first line, threw it into disorder before it had fired a shot. In a period of time incredibly short, and when the British had scarcely shown themselves, the whole of that line, being ordered to retreat by General Winder, gave way, and fled in the utmost confusion.

For a little time, the second line not only stood their ground, but drove back the enemy—who, lightening themselves by throwing away their knapsacks, extended their ranks so as to show an equal front with the Americans—almost to the wooded bank of the river. But now the second brigade of the British had crossed, and having formed, was advancing to the charge in firm and steady array. Threatened thus, and their left flank being turned, the whole American line wavered, broke, and rushed from the field in total and indiscriminate flight.

Not more than fifty of the Americans were killed, or wounded, upon this memorable occasion; "the only death on the retreat was said to be that of a captain of the regular army, of approved courage, who, taken with the contagion of unanimous panic, ran with the crowd till he fell, fainted, and expired." The loss on the part of the English was upwards of five hundred killed, wounded, and missing, including several officers of rank and distinction. The Americans left ten of their guns in the hands of the victors. None of their artillery, except that which the sailors worked, was fired more than twice or thrice. The British were able to bring only one of their guns into action. The conquerors in this extraordinary engagement, which lasted from one o'clock to four in the afternoon, unprovided with cavalry, and completely exhausted with heat and toil, were unable to pursue the flying Americans. Rest was so indispensable to them, that they laid down and slept upon the field of battle; nor could they



resume the march till after some two hours' sleep, when, in the cool of the evening, they set out towards Washington.

The few efforts made by General Winder to "methodise" the route, and convert it into a retreat, were but partially successful. About two thousand well-armed men—including a Virginian regiment, which, though it came up the preceding evening, could not get supplied with flints, until the last gun was discharged on their side in the battle—were kept together, and halted for a moment about two miles from Washington. "But General Winder," says Ingersoll, "deemed it prudent to order them to fall back from the position they occupied and reluctantly left, to another nearer the city, where he contemplated making a stand. Arrived and halted there, however, he ordered them again to retire to the Capitol, where they were finally to await the enemy. There General Armstrong suggested throwing them into the two wings of that stone, strong building; . . . but General Winder with warmth rejected the proposal. . . . Colonel Monroe coincided with General Winder's opinion. The Capitol, he feared, might prove a *cul-de-sac*, from which there would be no escape; the only safety was to rally on the heights of Georgetown, beyond Washington. For the seventh time that day, a retreat therefore was once more commanded."

"To preserve order in ranks so demoralised and degraded, was impossible. Broken, scattered, licentious, and tumultuous, they wandered along the central, solitary avenue, which is the great entry of Washington. When arrived at Georgetown, they were a mere mob, from which it was preposterous to suppose that an army could be organised, to make a stand there. And, in nearly as great disorder as the runagates, who preceded them across the fields without venturing into the city, the remnant of disgraced freemen reached Tenlytown in utter mortification.

At the first alarm, the secretary of the navy set fire to a new sloop of war with ten guns, afloat; a new schooner, five barges, and two gun-boats; and to a large frigate on the stocks, just ready to be launched; the whole of which, with a vast quantity of stores and machinery, and the buildings containing them, were destroyed. The appearance of the fugitives from Bladensburg was the signal for a panic in the city, as well as that which had lost the battle. Amongst them might be seen the President, labouring under such excessive terror, that not even the loan of Campbell's duelling pistols had made him feel himself safe. He was even said to have ordered the bridge, by which he escaped from the doomed city, to be destroyed as soon as he had crossed, leaving those who were not so happy as to have preceded him, to get over the river in the best way they could.

Mrs. Madison, before she fled, secured "some of the most precious cabinet papers" belonging to the President, "some clothing and other important articles," and, at the suggestion of the grandson-in-law of General Washington, the full-length portrait of the first President, which still adorns the White House. We are happy to know, that after enduring great fatigue and worse alarm, the brave lady reached a place of refuge in safety. Madison might have learned a useful lesson, concerning the trustworthiness of those who had persuaded him that the war with Great Britain was approved by all the people,

excepting the Federalist leaders of New England;—for during the forty-eight hours which followed his escape from Washington, he experienced more mortification and insult than the whole term of his presidencies else exposed him to. Armstrong was discovered in a farm-house; the other members of the administration shifted as best they could. Some of the most valuable public records were preserved from destruction, by the exertions of the clerks in that department. Washington itself, before the arrival of the enemy, was plundered by gangs of escaped slaves and ruffians. But history is happy to learn, that although “the secretary of the treasury’s fine duelling pistols, which the President took from his holsters and laid on a table, were carried off, and never recovered,” the President’s own parrot was saved by the French minister’s cook.

In the midst of this frightful confusion, the advanced guard of the British army arrived at the outskirts of the city, and a flag of truce was sent forward with a proposal respecting the ransom of the public property in the place, which of course now belonged to them as conquerors. General Ross himself accompanied the party bearing the flag. But the terms they offered were not so much as heard, for scarcely had they entered the street, when they were fired upon from the windows of a house near, and the general’s horse was killed. “Every thought of accommodation was instantly laid aside; the troops advanced forthwith into the town, and having first put to the sword all who were found in the house from which the shots were fired, and reduced it to ashes, they proceeded without a moment’s delay to burn and destroy everything in the most distant degree connected with government.”

The two wings of the Capitol, which were the only parts finished, were gutted by fire, whereby the library of Congress and many valuable public documents perished. The President’s official residence, with the offices of the treasury and state departments near it, shared the same fate. Great numbers of cannon were destroyed, and many others were spiked, had their trunnions knocked off, and were thrown into the river. Quantities of shot, shell, grenades, and cartridges were also cast into the river.

This night of the 24th was indeed a night of terror. There had been indications of an approaching storm whilst the British were drawing nigh Washington; in the course of the night it rolled up; and near morning, for two hours, the city suffered from a most furious tornado. The flames of the burning Capitol, and of the numerous other conflagrations, were paled by incessant flashes of lightning; and the roar of the guns which were used for destroying the buildings and stores, and the explosions of dépôts of gunpowder, were drowned by continuous bursts of thunder. Some houses were destroyed by the violence of this tornado, and about thirty British soldiers perished in the ruins.

Next day the work of destruction was continued. The war office was burnt. The printing office of *The National Intelligencer* was sacked, and the letter thrown into the street. Two rope-walks were burnt, and by accident a torch was flung into a dry well in the arsenal at Greenleaf’s Point, which had been used as a receptacle for old cartridges, waste powder, and other combustibles. A terrible explosion instantly ensued, the houses and buildings near were



shattered and thrown down, and a great number of British soldiers lost their lives, or were frightfully mutilated. There was also some injury done to private houses and stores by the invaders, but the most trustworthy American authorities themselves declare the British to be guiltless of the worst depredations of this kind. The bridge across the Potomac was likewise set on fire, at both ends, as it proved; for so greatly did the Americans fear pursuit, that they attempted to destroy the bridge, as the surest protection from it.

Encouraged by the success of the attack upon Washington, the British determined to make a similar descent upon Baltimore; and on September the 11th, a squadron made its appearance at the mouth of the Patapsco, which leads to that city. Next day the troops were landed at North Point, about fifteen miles from the place they hoped to seize. While the land forces advanced along the northern shore of the estuary, several vessels of light draught were ordered to ascend the river, to co-operate with them in the capture of Fort M'Henry, an open fortification about two miles from the city.

For the first six miles, the troops met with no opposition upon their march. The Americans abandoned one strong position, which they had not time to fortify, and made a stand in a thick wood, through which the road passed, to the number of about three thousand. These were the advanced guard of the militia and volunteers, to whom the defence of Baltimore had been entrusted. Here the first disaster of the invaders occurred, which ultimately produced the defeat of the expedition. General Ross, who had advanced with the skirmishers to the front, was shot through the side, and expired before he could be taken to the boats. Colonel Brook immediately assuming the command, the light troops advanced, and a spirited action ensued. The artillery on both sides, the rifles of the Americans and the British rockets did great execution; but the Americans could not stand the bayonet charge of the enemy. A complete rout followed the advance of the British line; infantry, cavalry, and artillery, huddled together, seemed only bent upon trying which should first escape. In the two hours, during which the action lasted, the British lost about two hundred and fifty killed and wounded; while the American loss must have exceeded it greatly.

On the following morning the march was resumed; but when Brook arrived within sight of Baltimore he perceived the whole American army, amounting now to near fifteen thousand men, with a large train of artillery, strongly posted on the heights before the city, which were covered with formidable intrenchments and field-works. The shallowness of the river made the co-operation of the ships extremely difficult, and before they got within range of Fort M'Henry, some vessels sunk in the bed of the stream prevented their further progress. Equally fruitless was an attempt made to carry the fort by a boat attack. Brook therefore determined to retreat; for his handful of men, without the support of the ships, could do nothing against the American position. Withdrawing in the night, the invaders retraced their steps, and were suffered to re-embark without pursuit. One fact connected with this attack upon Baltimore was very remarkable:—while the British vessels were vainly trying to throw their shot into Fort M'Henry, and the batteries were as idly replying, an American, who had gone to the British fleet to negotiate the release of some prisoners, composed that popular song, “Star-spangled Banner,” on board the admiral’s ship.

The naval warfare on the whole, this year, led to the same results as that of former years. Captain Porter in the Pacific, having refitted his vessel at the Marquesas, and established a station there to secure the means of future repairs, set out with the *Essex* and *Essex Junior*, about the end of 1813, for the coast of South America. At Valparaiso, the British frigate *Phœbe*, mounting thirty long eighteens, sixteen thirty-two pound carronades, with one howitzer, and six threes in her tops, supported also by the *Cherub*, a brig mounting twenty-eight guns, found the American ships. The *Essex* at this time carried forty thirty-two pound carronades, and six long twelves; her consort mounted twenty guns; altogether a much heavier armament than that of the British vessels. The *Essex*, trusting to the greater weight of her metal, for several weeks attempted, by manœuvring, to bring the *Phœbe* into action without the *Cherub*, having the *Essex Junior* with her; but the British captain was too wary to risk a conflict in which he must have been beaten, and he (for his part) endeavoured, by all means he could devise, to lure the *Essex* into an engagement with both his vessels. One dark night, Captain Porter, having remarked that the *Cherub* occupied the same place for several nights before, prepared and sent out a boat expedition to capture her,—but it failed; for, on reaching the spot, the *Cherub* was not there, and the sea all round was illuminated with blue lights, so that, detected and defeated, without a stroke given or received, the boats returned to their ships.

At length, on February the 28th, hoping by the superior sailing qualities of his ship to escape from their tedious blockade, Porter endeavoured to run out of the harbour, between the British vessels and the shore. Unfortunately, in doubling the headland which closes it in, he lost his main-topmast, together with several of his men, who fell into the sea and were drowned, and was compelled to return. The enemy thereupon came down upon him, with colours flying, and the motto "God and our country; traitors offend both," displayed. Porter immediately cleared for action, and hung out as his motto, the old "Free trade and sailors' rights," which, however well it defined the position of the war party as it regarded Great Britain, did not in the least describe their commercial policy. The greatest excitement prevailed on both sides. On board the *Essex*, owing in good part to the presence of a great number of British deserters, it almost amounted to frenzy.

Early in the action, the *Cherub* was driven back, so battered by the terrible fire of the *Essex* as to require immediate repair; and the *Phœbe*, which came under fire later, received a shot in her rigging, and so many in her hull, that she too drew off, and the crew losing the management of her, she dropped almost out of shot. But the injuries being speedily repaired, the action was renewed, both *Phœbe* and *Cherub* availing themselves of their long guns, and firing with the most destructive precision; while scarcely an American gun could be brought to bear upon them, or thrown so far as the position they had taken; and they cut down the people of the *Essex* with their plunging fire, and disabled her guns almost at their pleasure. The carnage was so frightful, that one gun of the American ship saw nearly three entire crews fall round it in the course of the action. Finding it impossible to contend successfully against his antagonists, Porter now attempted to run his vessel ashore, and set her on



fire; but a sudden shift of the wind prevented it, and not only so, but brought her round so as to expose her to a raking fire, worse than she had experienced before. Twice she took fire, part of her powder exploded, she was hulled at almost every shot; until at last, seventy-five men, officers included, were all that remained for duty, and the colours were hauled down.

The Essex lost fifty-eight men killed, and sixty-six wounded, or, including the drowned and the missing, a hundred and fifty-two out of two hundred and fifty-five. Nearly a hundred British sailors were on board the American vessel when the engagement commenced, who jumped overboard when it appeared likely she would be taken; forty of these reached the shore, thirty-one were drowned, and sixteen were picked up when at the point of perishing. The loss of the victors was trifling, five killed and ten wounded—a fact which demonstrates the engagement to have been most unequal, in one respect, for the Americans; and also the skill of the British commander, who had effected so important a victory at so slight a cost. The fight lasted for two hours and a half, and was witnessed by great crowds of people on the shore.

Great ado was made about the violation of a neutral port, by this action on the outside of it. And the way in which the British commander availed himself of his superiority, and manœuvred so that the American captain could not make use of the advantages which he had over his antagonists, was (as we can see by Ingersoll) spoken of as if he had been guilty of unfairness. But we must observe that the actual “violation of a neutral port” by Captain Porter, who resorted to Valparaiso as a station whence he could molest and capture the mercantile shipping of Great Britain, seems to have been considered as a perfectly proper thing; and that nothing is ever said of the great superiority of the two American vessels over the two British in the weight of their broadsides, nor the greater advantage which the Essex alone had in that respect over the *Phœbe* alone. The desperation of the combat on the American side, which chiefly distinguishes it from the other naval incidents of the war, arose, as we have seen, in good part, from the presence of British renegadoes in such numbers on board the Essex. This fact has also been unaccountably passed over in such notices of the affair as Ingersoll has given. Historical impartiality demands these notifications concerning this fight; and we have further only to state that the consort of the Essex was converted into a cartel, that Captain Porter, on slight provocation, broke his parole; and that the station at Nukahivah was soon broken up by the natives.

Other combats of less consequence also occurred; but we must refer to histories of the navy of the United States those who desire more ample and minute accounts.

Some mention has already been made of the private armed vessels of the United States, their audacity and remarkable success. No history of this war could be complete, without a passing notice of them. Encouraged by bounties appointed by Congress; enabled by the total destruction of regular commerce to bring great gain to their owners; presenting just the kind of attractions which would draw to them the most reckless and vigorous of adventurers by sea and land, namely, the complete absence of discipline, and the certainty of violent excitement; affording, moreover, the amplest opportunities for the

gratification of private pique, and consecrated by the appellation "*patriotic*," it is not wonderful that these privateers, and their buccaneering enterprises, should figure so largely in the annals of the war on the American side. Nevertheless, privateering was not universally approved. The democrats of the eastern and middle states were its principal advocates and agents; and the commerce of England was so extensive, and protected by so prodigious a fleet, that the results of the war on the ocean showed pretty nearly an equality in the number of prizes made by each of the belligerents; the total of the captures of all descriptions, on each side (according to the most trustworthy accounts), falling but little short of eighteen hundred, although the number of prizes made by British privateers was very small. How much greater in proportion to the whole marine of the country was the loss sustained by the United States, than that which Great Britain suffered, we need not stay to declare.

During the summer of 1814, the British did undoubtedly effect the landing of a small force at Pensacola, and received into their service there many of the Creeks who had escaped General Jackson's exterminating sword. It happened that there had been raised, at the end of a tongue of land in Mobile Bay, a redoubt, called Fort Bowyer, mounting twenty guns, and garrisoned by one hundred and sixty men. It had been erected with a view to ulterior operations in the direction of Florida, but had been neglected as insufficient for either attack or defence. Jackson, however, who was appointed this autumn commander of the Seventh Military District, discerned the use that might be made of this exposed station, to delay the advance of a hostile force against Mobile, which was only thirty miles off, and armed and manned it as has been stated.

Meanwhile, the force under his command at Mobile, justly seeming to him too weak to offer any effective resistance to the enemy, and knowing how tardily the orders of the government were attended to, Jackson, as soon as he heard that the British had landed, sent the most pressing requests to the government of his own state for assistance. But promptly as the "Volunteers of Tennessee" responded to the summons of their favourite leader, this little campaign was finished before they could reach his standard. On the 12th of September a squadron of two sloops and two brigs appeared before Fort Bowyer, a body of soldiers, marines, and Indians was landed to attack the fort in the rear, while the ships bombarded it from the bay. Ingersoll says, that the men composing the garrison were not artillerymen, and that their means were extremely slender; nevertheless, they not only endured for three hours a bombardment from four ships of war, and a mortar battery on shore, but returned it with such hearty good will, that the enemy was glad to escape with the loss of more than two hundred men, and one of his ships, which, having its cable cut by a shot, drifted so close to the fort, that its crew were compelled to desert and burn it.

Such was the first disaster of the British in the South; the effect of which upon the American forces in that quarter, was as great as that of the first victory at sea had been, in encouraging the hope of triumphing over British invincibility. "In the campaign which began and ended at Fort Bowyer," says Ingersoll, "General Jackson acted without specific, if indeed any, orders,



sometimes almost against orders, performing exploits of warfare and civil administration, which paved his way to the presidency."

Discovering that the British were admitted at Pensacola, on their retreat from Fort Bowyer, Jackson without any difficulty came to the conclusion that he must occupy that place. He had already sent several urgent requests to the secretary at war for permission to do so, which had at last and reluctantly been accorded, and then timorously countermanded, Congress having got wind of the affair, and inquired what actually were the relations of the United States with Spain. Neither of these communications, however, reached Jackson in time to influence his proceedings—a circumstance which occasioned him not the least embarrassment or hesitation. "His authority to call out militia was exhausted, or fulfilled. Military chest, or funds, he had none, or scarcely any." But he had his Tennessee riflemen, together with the scanty force placed under him by government, and with them he determined to drive the enemy out of Pensacola, and compel the governor to observe an American, instead of a British, neutrality.

Accordingly, he advanced upon the place with a force of about four thousand men, including Indians, and on the 6th of November reached it, and immediately sent a flag with a message to Manriquez. As it advanced, the fort opened its fire and compelled it to return. Encamping, therefore, for the night, and discovering (or believing that he had discovered) that the place was defended by British, as well as Spanish soldiers, he determined to storm it on the next day. On the morrow, deceiving the Spaniards as to the quarter on which he meant to attack them, three thousand men, in three columns, were marched along the beach, so as to avoid the fire of the fort and the shipping. Approaching the town, the advance of the artillery being retarded by deep sand, the middle column was ordered to charge. It advanced briskly to the attack; entering the principal street, a battery of two guns opened its fire upon it, but it was immediately carried by the Americans at the point of the bayonet; and the governor directly afterwards surrendered the town and fort unconditionally. The British did not appear in this affair, but Jackson says they abandoned a fort at the Barancas, seven miles below Pensacola, on the night after his arrival, and on the day after he captured the town, blew it up. After occupying Pensacola two days, perceiving that no more annoyance was to be expected from that direction, Jackson restored the place to the Spaniards, and returned to Mobile. Thence he proceeded westward, to arrange measures for the defence of New Orleans, which seemed to be (as in fact it was) the point against which the attack of the British was next to be directed.

Jackson's independence of the Federal authority was no more than a "flagrant instance" of the spirit which animated the leaders in all the states along the coast. Even in New England fortifications were raised for the defence of the most exposed places. Above a hundred and twenty-five thousand militia, it was calculated, were under arms, at the command of the governments of the several states. The Democratic party, which at first accused the Federalists of trying to establish too strong a national government, and afterwards accomplished an almost despotic centralisation, were at this very time charging their opponents with the attempt to dissolve the Union, and yet it was by their

own measures that this actual independence of the general authority of the Union was effected.

Whilst these events were proceeding in the south, Congress, summoned at an earlier period than was usual, met amid the smoking ruins of the Capitol at Washington. The Message, sent on the 20th of September, began by accusing Great Britain of needlessly continuing the war, and manifesting "increased violence" in her warlike operations; and attributed it to the absence of all check upon "her overbearing power on the ocean," and "the intoxication of success," leading her to cherish hopes of "still further aggrandising a power, already formidable in its abuses to the tranquillity of the civilised and commercial world." It next proceeded to give a most encouraging picture of the events of the campaign, as far as they were then known; and drew from both victories and defeats the comfortable conclusion that "the longer the enemy protracted his hostile efforts, the more certain and decisive would be his final discomfiture."

Nevertheless, it added, "it is not to be disguised that the situation of our country calls for its greatest efforts. Our enemy is powerful in men and money; on the land and on the water. Availing himself of fortuitous advantages, he is aiming, with his undivided force, a deadly blow at our growing prosperity; perhaps at our national existence. He has avowed his purpose of trampling on the usages of civilised warfare, and given earnest of it, in the plunder and wanton destruction of private property. In his pride of maritime dominion, and in his thirst of commercial monopoly, he strikes with peculiar animosity at the progress of our navigation and of our manufactures. His barbarous policy has not even spared those monuments of the arts, and models of taste, with which our country had enriched and embellished its infant metropolis. From such an adversary, hostility in its greatest force and in its worst forms may be looked for." It therefore called upon Congress to deliberate only "on the means most effectual for defeating the extravagant views and unwarrantable passions, with which alone," it said, "the war can now be pursued against us." Reference was also made to the negotiations attempted under the mediation of Russia, and to the delay in the commencement of a direct negotiation, which Great Britain herself had proposed.

In the previous volume we gave some details of the financial schemes by which Dallas, the new secretary of the treasury, proposed to save the country from internal dissolution and hostile violence at the same time. We also briefly alluded to the grand scheme of Monroe for recruiting the army, and putting the country upon a war footing on the largest scale, and we will now proceed to notice the plan at greater length.

The object of this scheme, as unfolded by the proposer, was to complete and preserve the existing military establishment of sixty-two thousand four hundred and forty-eight men, and to raise, for the defence of the cities and frontiers, an additional force, permanent like the regular army, of at least forty thousand men. "Such a force," said the new secretary at war, "aided, in extraordinary emergencies, by volunteers and militia, will place us above all inquietude as to the final result of this contest. It will fix on a solid and imperishable foundation our Union and independence, on which the liberties and happiness of



our fellow-citizens so essentially depend. It will secure to the United States an early and advantageous peace."

Four plans were suggested for accomplishing this object—to draft men from the militia into the regular service; to classify the whole militia of the States in three divisions, according to age, each class to serve two years, when required; to exempt every five men, who should supply one as long as the war lasted, from militia service; and to recruit in the ordinary way, but instead of one hundred and sixty acres of land, given as bounty at the outset, it was proposed to give each recruit a hundred acres every year that the war lasted. The first of these plans best pleased the secretary, who regarded it as less costly, less burdensome to the people, and more effectual against the enemy. The first bill, therefore, proposed the division of the whole white male population of the country, between the ages of eighteen and forty-five years (that is, the whole militia of the United States), into classes of one hundred each, by assessors selected from the county courts, or the militia officers of the counties, or from the county generally.—And each class was to furnish and maintain, under penalties, one man or more for the national service. The bounty was to be paid, not by government, but by the inhabitants of the district to which each class belonged, according to the value of their property, and to be levied on the property if not paid within a given time.

Many even of the war party shrank from a scheme which the opponents of the administration at once branded with the name of *Conscription*. The chief objections urged by the opponents of the administration were founded upon the unconstitutionality of the assumption of authority over the militia by the central government. "One general principle is," said one member in the House of Representatives, "that the militia of the several states belong to the people and governments of the states, and *not* to the government of the United States. . . . This militia, being the very people, belong to the people, or to the state governments, for their use and protection. . . . Neither the people nor their state governments have ever surrendered this their property in the militia to the general government, but have carefully kept and preserved their general dominion or control, for their own use, protection, and defence." And then he proceeded to expound the clauses in the constitution bearing upon this momentous question. Monroe had endeavoured, though in vain, to provide against this class of objections, by insisting that, "the men are not drawn from the militia, but from *the population of the country*: when they enlist voluntarily, it is not as militiamen that they act, but as citizens. If they are drafted, it must be in the same sense. In both instances, they are enrolled in the militia corps; but that, as is presumed, cannot prevent the voluntary act in one instance, or the compulsive in the other. The whole population of the United States, within certain ages, belong to these corps. If the United States could not form regular armies from them, they could raise none."

The most effective point made by the orators of the war party, was that by Troup of Georgia, the introducer of the whole subject. This gentleman drew from the archives of government the Message sent by General Washington to Congress, in January, 1790, which contained a plan, devised by secretary Knox, wherein, after due eulogy of the militia system, and due condemnation

of the system of voluntary enlistment, was suggested a division of the whole militia of the United States, into *classes* of twelve men each, from each of which the federal government should draft one man for the regular army. But the introduction of Washington as an authority, by the democratic party, was felt by all to be an impropriety, and, therefore, it could not conduce to the success of their measures.

Some warmth of feeling was excited, as was invariably the case, whatever the subject of debate, by allusions to the peculiar "institutions" of the south, where there were no apprentices, and, therefore, where the pressure of one of the government bills would not be felt at all. But although the bill releasing minors from their obligations was carried, the principal portions of the scheme were rejected, in consequence of a dispute between the houses arising out of an amendment, proposed by Jefferson's son-in-law Eppes; and, in consequence, all that the government could effect, was the passage of a law, making further provision for filling the ranks of the regular army, by which recruiting officers were authorised to enlist all free, able-bodied, effective men, from eighteen years of age to fifty, allowing recruits that were under age four days after enlistment to withdraw it, and giving the masters of apprentices who should enlist part of the bounty-money. The bounty in land, due to soldiers and non-commissioned officers when honourably discharged from service, was doubled; and a clause was added, by which it accrued to the next of kin, in cases where the recruit was killed, or died in the service:

It is worthy of notice, that in a report from the secretary of the navy, recommending a better organisation of that branch of the service, notwithstanding the manifest failure of Great Britain—notwithstanding the insulting reproaches unsparingly dealt out to her by the democrats generally, on account of it, and the boast that British impressment was the strength of their own navy—a plan of impressment was actually proposed, and Monroe's scheme for drafting from the militia was referred to, as an established legal right, although it was not so fortunate even as to receive the support of the legislature. This plan of course fell to the ground with the other, upon which it was thus based.

"It is highly probable," writes Dr. Sullivan, "that if it had been attempted to enforce the system of impressment and military conscription by law, the government would have come to an end. The citizens of the United States could not, and would not, have submitted themselves to its operation." It was, we know, the terror of this conscription that, more than anything else, led to the assembling of the "Hartford Convention."

We now return to Louisiana, where we left Jackson endeavouring to make good the defences of the district against the anticipated descent of the British. There was more than enough to occupy all his care. The indolence of Flournoy, and the removal of Wilkinson to the north, before his defensive preparations had been half completed, had left the capital city of the south entirely unprotected. "The magazines were empty; there was a deficiency of munitions and stores, of clothing and ammunition, and all the requisites of defensive warfare. There were no funds and no credit. The banks paid no coin, of which the rich hoarded what they had. Committees of the legislature and self-constituted



committees of safety differed in their projects. All business was at a stand, confidence annihilated."

New Orleans itself seemed wholly unable, or disinclined, to take up arms against the threatened invasion. The peculiar character of its population, in part French, in part Spanish, in part Anglo-American, with a vast servile class of African origin; its principal occupation trade; its wealth, with the inevitable consequences in a warm climate and a slave state, the most unbounded profligacy and luxury; these things were altogether unfavourable to the existence of a spirit which would contend to the death—*pro aris et focis*—against an invading foe. Worse than all the hindrances arising from the motley population, with its various tongues, its indolence and cowardice, and from the divided counsels of its public officers—and the few of its private citizens who were not overwhelmed with despondency—there was treachery to contend against. Disaffected persons, foreigners—if people of any nation could be deemed so in this mart of the world—were said to be in New Orleans, who discouraged the disposition (of itself faint enough) to resist the approach of the enemy; and, according to the account furnished by one of Jackson's biographers, communicated to the enemy every species of information which could be helpful to him and injurious to the United States. Add to this, that the city was without fortifications, the militia in want of arms, many of the muskets without flints, some persons armed with pikes only,—the whole regular force under a thousand in number, and those raw recruits; while it was uncertain if the militia of Kentucky and Tennessee would arrive in time, or, indeed, whether they would come at all. Jackson himself, too, was enfeebled by disease, but he possessed, in addition to inflexible resolution, that inestimable quality in a military commander, the capability of concealing his private feelings under a perfectly composed exterior.

Before he left Mobile, Jackson directed Governor Claiborne to close, as well as he could, the communications between the river and the lakes, and issued a proclamation, summoning the free people of colour—whom he styled, for the occasion, "noble-hearted" and "generous"—"to embody themselves and arm for the defence of the country, of which," remarks Ingersoll, "though inhabitants, they were not, and never could be, citizens." Immediately on his arriving at New Orleans, in the first days of December, "he called, through the governor, for large gangs of slaves, the only workmen to withstand the climate," that he might erect fortifications in the marshes; and they were furnished in greater numbers than he required. Lest, however, we should think that this generous promptitude was the virtue of their owners alone, Ingersoll states, that, "if necessary," these poor bondsmen were "ready to be embodied and led to action against the British."

Gradually, there was infused into the citizens of New Orleans itself, at least, the resolution to oppose the enemy, if not the hope of doing so with success. For, intent upon increasing his forces to the numbers which he deemed necessary for making the stand he had determined on, Jackson had admitted into his ranks the Baratarian pirates, whose establishment at Baratavia had been broken up; and had actually released and embodied the convicts in the prison;—from Lafitte, too, he procured enough pistol-flints to render the flintless muskets serviceable for a time; and every class of the community received

incessant and most pressing intimations of what the indefatigable general expected of it in aid of his great undertaking.

At length, on the 8th of December, in the midst of these preparations, the British squadron appeared off the shoals of the Mississippi. After all the efforts which had been made, the affected secrecy, the unspeakable terror which heralded the arrival of the force, the speculations regarding its ultimate destination, whether the plunder of New Orleans merely, or the detachment of Louisiana from the United States,—after all, it is amazing to read, that the army that was to do, and had already done, such wonders, amounted to no more than some five thousand combatants in all; whilst, owing to circumstances, “there were not more than three thousand four hundred men upon whom a general could fully depend!” Ingersoll reckons six thousand, but without sufficient authority. Others have even doubled this last number,—drawing, without acknowledgment, on their imaginations. For though the age of legends has passed away, the faculties which produced the legends still exist in every man, and under favourable circumstances, will start forth into most energetic action, to the infinite perplexity of historians of after times.

We are not called upon to explain at length the natural defences of “the Crescent City,” its peculiar situation, the difficult navigation of its large river, the vast lagunes, with their intercommunicating creeks and channels, and the impassable swamps which breed pestilence around it,—these are known to most readers; and every one of these things was a defence against the foe. At New Orleans there was, too, one detachment of Jefferson’s “cheap and effective” national defences,—the famous gun-boats; and the first exploit of the invaders was the destruction of this flotilla. Attacked by some fifty barges and launches, mounting nearly double their number of guns, and manned by crews more than double the total of theirs, after a desperate resistance, they were taken and destroyed; and there were now only two public vessels left to dispute the passage of the invaders up the river, the *Louisiana*, 16, which had been bought, armed, and manned with an impressed crew, at the last moment, and the *Carolina*, 14, commanded by Captain Patterson, the principal naval officer at the port.

Jackson made admirable use of this advance of the enemy, and his dearly-bought victory in “the battle of the boats.” Every measure of defence was pushed on with redoubled speed and energy; thrilling addresses called the brave to arms, and for a season made all who read them courageous; a levy was ordered of the whole civic soldiery of the state, and the governor put himself and his militia entirely at Jackson’s disposal; fortifications rose here and there; the general’s eye seemed to be on each part of the work, and all moved on rapidly towards completion;—even the men of Tennessee and Kentucky, keen of sight, sure of aim, unequalled in combats where the rifle was employed, were likely to arrive in time to share in the battle against the invaders of the republic.

On the 15th, two days only after the destruction of the gun-boats had given the British the command of lakes, and rivers, and every other way of access to New Orleans,—the general, finding the proceedings of the state legislature far too slow for the hot haste with which events were moving, and that the proposal



to suspend the *Habeas Corpus* Act, which either he or Patterson had made, for the purpose (worthy of note, on our part) of facilitating the impressment of seamen for the Louisiana, met with no acceptance, — Jackson proclaimed Martial Law; and the legislature, after a feeble attempt to resist, enacted a law, which might connect the regulated proceedings in matters commercial after the removal of this overbearing external pressure, with those which preceded the imposition of it.

“Martial Law was expected wherever Jackson came,” says Ingersoll. “At a meeting of the most respectable citizens, civil and military, at his quarters, Hall, the district judge of the United States, together with other judges and eminent lawyers among them, unanimously recommended it; and declared, as soon as it went into effect, that it would save the state. Its operation was instantly excellent. All the brave and patriotic thronged to Jackson’s banner. The whole of Louisiana became one vast camp, animated by one superior spirit, controlled by his iron will. The genius and firmness of one man constrained the prejudices and concentrated the energies of the entire chaotic community. From heterogeneous, inert, discordant, and even traitorous materials, a mass of invincible force was combined, which crushed a formidable invasion.”

Of this more will appear in the sequel; but we may credit Ingersoll’s assertion that the declaration of martial law was, with Jackson, no empty formality. Disputes with the state legislature rose even higher: honourable members could not be made to understand, that, at this particular juncture, the enemy coming every day nearer to the city, “parliamentary eloquence” was not the one thing needed; but precisely that which Jackson could supply—adequate military skill and daring. Much pressed to inform the senate what his plans were—he averred that he would cut the hair off his head, if he thought it had divined his intentions; and added, “you may expect a warm session if I am driven from my lines into the city!” Domiciliary visitations, in search of arms, and of anything else that could be used for the defence; the enrolment of all men capable of bearing arms; the prohibition of any one from going abroad after nine o’clock at night, except by special permission;—these measures, and others more insupportable still, did undoubtedly look very much like “despotic severity;” but martial law includes any and every step, which appears to him who proclaims it requisite for securing the object he has in view; and although the theory of democracy and state-rights was opposed to Jackson’s course, he was not the first who in practice renounced his party principles, and the odium ought rather to rest upon those who made such rigour necessary. Moreover, as Jackson was appointed to repel the invaders, not to negotiate with them, nor to do at New Orleans what Hull had done in the north, there was only one plan that his opponents should have adopted, to charge him before the judicial tribunal of the union, with the violation of the constitution, and leave him to its sentence, after all the circumstances of the case had been ascertained and considered. One instance in which this was done, will come under our notice before we conclude this chapter.

After the affair with the gun-boats, the British expedition, not being able to advance in the transports and war-ships up the river, landed in force on a swampy island, called Pine Island; and here the first sufferings of the army

began. Drenched with rain by day, stiff with frost at night; without sufficient food, in a pestilent atmosphere, having no means of maintaining the bodily and mental health of the men, it is a wonder that it did not become wholly disorganised at the very outset. Nothing but the high state of discipline can account for its preservation. The black troops suffered most severely; unused to such a climate, many of them perished with the cold every night. When all were assembled on this spot, they were eighty miles distant from the place that was fixed upon for the landing, and the whole of the way was to be accomplished in boats.

On the 23rd, the first division, consisting of sixteen hundred light troops, under General Keane, was safely landed in the midst of a huge wilderness of reeds beside one arm of the Mississippi, and at once advanced towards the city. One party of this division succeeded in capturing the whole of Jackson's most advanced picquet, and thus they were enabled to move forward without the least impediment. About noontime, having left the swamp for the cultivated region, they surprised another outpost, but carelessly allowed one man to escape, who was the first to announce at New Orleans the arrival of the enemy.

It is a question whether they might not have succeeded in capturing the city, which was then almost in sight, had they attacked it immediately. The *prestige* of their victories in the Peninsula might have compensated for their want of numbers, and the subsequent course of events, both in England and America, been altogether different. Instead of this, the young general halted his men within pistol-shot of the river, without the least pretence of concealment. They piled their arms, and a regular bivouack was formed. Reconnoitring parties sent out in different directions brought back no tidings of an enemy in sight; and the foragers collected from every house they could enter with safety (to Ingersoll's infinite disgust) no end of good cheer, which was consumed by both officers and men with the greatest satisfaction and mirth.

About half-past seven in the evening the first interruption to this scene of careless hilarity occurred; for the momentary appearance of a few horsemen had occasioned them no concern. The watch-fires had just been replenished, and preparations were almost completed for passing the night, as comfortably as circumstances would allow, when a large vessel was observed just anchoring near the opposite bank of the river, and furling her sails most leisurely. At first the British thought it was one of their own ships which had made its way so far up the stream; but no answer was returned to their anxious hail. Several musket-shots were discharged at her, but without producing any reply. At length, having made fast all her sails, and brought her broadside round to bear on the invaders, on the words, "*Give them this for the honour of America!*" a deadly shower of grape was discharged amongst them. They had enjoyed, in those few hours, the only respite from mortal conflict which was allotted them during the whole time that they were upon American ground.

Whilst the British, who had discovered that they had no means of returning the fire of the American vessel, were sheltering themselves in the best way they could from its terrible discharges of grape and round shot, on a sudden, through the densely black night, a new terror burst upon them. After no more warning than a scattered, or drooping fire, at the extreme outposts, they were roused by



a fearful yell, and a simultaneous discharge of musketry on almost every landward side of them. They were, in fact, surrounded by a greatly superior force, and, had it consisted of regulars instead of militia and volunteers, they might have been compelled to surrender at discretion. As it was, they showed a brave enough front; and a fearful combat was maintained for four or five hours in the night, when the assailants, having accomplished all that they intended, in giving the enemy this first taste of genuine Transatlantic warfare, drew off. The British general reported above three hundred killed, wounded, or missing, in this first night attack; but the loss on the American side was not much less.

In the course of this conflict, and early in the following day, reinforcements arrived from the ships. There was, however, little fighting on the 24th, although the Louisiana had joined her consort, the Carolina, and menaced the invaders with a more destructive cannonade; and although, before the end of the day, the whole British force had reached the field of battle, the only care of General Keane was to withdraw his men farther from the river bank, that they might be less exposed to the chance of such casualties as those of the preceding night. Next day the real commanders of the expedition, Sir Edward Pakenham and General Gibbs, arrived. And having made themselves acquainted with the position of affairs, they suffered the men to enjoy their "merry Christmas" as well as they could, under an incessant fire from the ships; and as soon as night fell, threw up a battery opposite the Carolina, mounting nine field-pieces, two howitzers, and one mortar.

At dawn, on the 26th, the battery was opened upon the Carolina with red-hot shot, and she was very soon set on fire and destroyed. The Louisiana was next attacked, but escaped up the river, so that the way was now clear for an advance upon New Orleans; and the needful stores, artillery, ammunition, &c., were brought up from the ships, that the grand attack might be made without delay.

Jackson, in the meantime, had not been idle. In these and the immediately following days and nights, sleepless himself, and allowing none around him to sleep, until an available position for defence had been secured, he had constructed a lengthened rampart about four miles below New Orleans, of the most formidable description for his purpose. Beside the earth, which was thrown up out of the deep ditch in front, bales or bags of cotton, impressed for the service, were unsparingly used. The line extended from the river to a low swamp about a mile off, and the ditch was filled with water nearly to the top. In the river, the Louisiana protected the right flank, and a work mounting twenty guns on the opposite bank, added yet more to the strength of the position. The levee, or embankment of the river, also was by Jackson's direction cut through, both above and below the position of the British, thus embarrassing their movements in front as well as in the rear.

But the night attacks upon their camp were the means of annoyance which most distressed the invaders. In the Peninsula, as if by an understood arrangement, the outposts of the contending armies were seldom molested, and British and French sentinels not unfrequently paced their nightly walks within musket-shot of one another. In countries where war is the normal, and peace the exceptional, condition, and where, in consequence, soldiership is a *profession*,

such comity, even in a state of active hostilities, can be practised. In America, on the contrary, everything forbade such a chivalric procedure. The contest was upon their own ground, and for property, liberty, and life itself—even the regulars in the American service were more citizens than soldiers—and the only school of war which (happily) the country possessed, was in the western states, and engagements with the Indians had no tendency to foster habits of civilised warfare.

On the 26th, the first attempt was made to carry Jackson's intrenchments, but it was met by such a terrific discharge of round and grape shot, that the enemy was totally unable to make any impression upon them. On New Year's day, the attempt was renewed; but although the British generals had with great secrecy erected regular breaching batteries, and mounted them with heavy cannon, "bringing up ammunition, and making such preparations as might have sufficed for a siege;" and although, when first opened, the fire of the thirty pieces of siege artillery threw the Americans into confusion, no better success was achieved than on the former occasion.

All hands were therefore set to deepen a canal in the rear of the British position, by which boats might be brought up to the Mississippi, and troops ferried across, to carry the battery on the right bank of the river; but this proved a work of such extraordinary labour, that it was not till the evening of the 6th of January that the cut was declared passable. The boats were immediately brought up, and secreted near the river, and dispositions for an assault were made at five o'clock on the morning of the 8th.

Matters were thus proceeding, wholly to Jackson's satisfaction, in this part of his command. In New Orleans, on the contrary, things went not so well. It happened that at this time, the speaker of the senate of Louisiana was that same Fulwar Skipwith whom we saw at the conclusion of the famous "X. Y. Z. affair," acting as self-appointed, or at least "provisional," plenipotentiary at Paris, though we can scarcely say *in behalf* of the United States. His Gallo-mania would sufficiently mark him as a follower of Jefferson, and as one incapable of collusion with the British. Nevertheless, so strongly marked is the distinction between the old Jeffersonian democrats and those of the new school, that we find this very man talking of "offering terms of capitulation to the enemy," rather than second Jackson's final scheme of defence against him. For Jackson was undoubtedly resolved, rather than suffer New Orleans, with its rich spoils, to fall into the hands of the British, to burn the city to the ground, and lay waste the whole country near it; and defeat the invasion by making it impossible for the invaders to find subsistence. And this was a sacrifice which the legislature of the state did not feel itself capable of making.

From other quarters also, it is plain that Jackson heard so much of the fears of the legislature and their scheme for capitulation, that he authorised Claiborne (to the great contentment of his "Volunteers"), if the legislators persisted in their scheme, "to blow them up"—an order which Claiborne prevented the necessity of executing, by placing a strong guard at the door of the house of the legislature, and preventing them from sitting. Some of the members thereupon held unsatisfactory meetings in other places, but no thought of capitulation could be entertained after so summary a manifestation against it.



The incessant fire from Jackson's lines, from the shipping, and from the opposite side of the river, allowed the British no rest day or night. Grape shot dispersed every group of men that showed itself. It was absolutely impossible to reconnoitre the position of the Americans—on the first approach they made to it, the generals themselves were taken by surprise. Every attempt to raise a battery was disturbed by showers of balls; so that, at last, they could work only by night, and in total darkness; and even then they were not free from that terrible annoyance. All night long, and frequently in the day, they were surrounded by reconnoitring parties, who not only discovered all their movements, but took advantage of every opportunity of using their unerring rifles against them. "If they made a fire in the cold night air, it attracted shot like lightning by the rod." Neither in the thickets nor near them could one piquet be stationed. Supplies were scanty in quantity, and not of the kind which men labouring in cold and wet required. Add to all this, the discouragement produced by the endurance of three defeats in one week—a discouragement which not even the arrival of reinforcements, raising their number of effective combatants to about six thousand, could abate—and we can see, that few indeed of the Americans could be induced to desert.

At length the 8th of January came, when the grand attack was to be made. Colonel Thornton, at the head of fourteen hundred men, was to cross the river in fifty boats, carry the works there which enfiladed Jackson's lines, and employ them vigorously in support of the main assault; whilst two columns, commanded by General Gibbs and General Keane, were to advance upon the intrenchments in front, as soon as ever a signal from Thornton should apprise them of the success of his operations. But the rapid falling of the river prevented the boats from reaching the place where the men were to embark at the time appointed; and at length, instead of the number expected, sufficient to accommodate about three hundred and fifty men alone made their appearance. Unable to repair the delay, but determined to do all that he could, Thornton set out with his little band, and day had broken when he touched the opposite shore, at a distance of four miles from the batteries he ought to have carried before the preceding midnight.

As he landed, a signal rocket from the left bank sprang into the air, telling him that, with or without his co-operation, Pakenham was advancing. For, wearied out with anxiously listening for the musketry, which should tell of Thornton's attack—with anxiously watching for their rocket, which should make known his victory—consumed by impatience to commence the assault, and knowing how irretrievable was every moment's delay, Pakenham at length gave the word to move forward.

Silently, but swiftly, through the wintry morning—the day just beginning to dawn—the first column advanced against the works. But they were soon perceived by the enemy, and a dreadful fire was opened upon them, which mowed them down by hundreds. For, consistent only in blunders, which cost brave men their lives, and the whole army shame in addition to defeat, it was found, whilst they were in the heat of the charge, that both fascines and scaling ladders had been forgotten; and on the very crest of the glacis, the attacking column was forced to halt, without the means of crossing the ditch or mounting

the parapet; incapable, too, of defending themselves against the storm of shot which was poured on them from those unimpregnable ramparts. A few, indeed, mounting on one another's shoulders, succeeded in entering the works; but it was only to be overpowered by numbers. One small battery, in front of the lines, was carried at the point of the bayonet. But when the captors, with desperate courage, endeavoured to force their way across a single plank into the body of the works, they were repulsed with frightful slaughter, and the battery was re-captured.

"It was in vain," says the *Subaltern*, "that the most obstinate courage was displayed. They fell by the hands of men whom they absolutely did not see; for the Americans, without so much as lifting their faces above the rampart, swung their firelocks by one arm over the wall, and discharged them directly upon their heads. The whole of the guns, likewise, from the opposite bank, kept up a well-directed and deadly cannonade upon the flank; and thus were they destroyed without an opportunity being given of displaying their valour, or obtaining so much as revenge."

The ladders and fascines were never brought even near to the ditch; the regiments, which should have taken them, being sent back to correct their fatal mistake, never recovered their place in the column again, and the ladders and other apparatus for the storm were scattered about the field. It was while matters were in this disastrous position, that a cry arose in the rear of "retreat," "there's an order to retreat!" and the survivors, as if dazzled and confounded by the unintermitting blaze, and the reverberating roar of that tremendous cannonade, broke and fled. Pakenham, followed shortly afterwards by the second column, hoping yet by mere courage to retrieve the day, hastened to the front, and used the most passionate endeavours to rally the panic-stricken men. Waving his hat, and calling on them to follow, he reached the edge of the ditch, but only to fall death-stricken by two balls. Generals Gibbs and Keane succeeded in bringing the troops a second time to the charge. Even the Americans marvelled at the cool daring of the 93rd Highlanders, who stood like statues until they had lost more than half their numbers. A few, this time also, penetrated the works, but every man that did so perished. Both Gibbs and Keane were soon carried from the field wounded, the first mortally; and a second time the troops recoiled before that awful fire, and fled. General Lambert, upon whom the command now devolved, finding that it was impossible to restore the fortune of the day, the carnage having been so terrible, withdrew his reserve from the reach of the American artillery, and collected the wreck of the routed army.

Thornton, on the other bank of the river, had been more fortunate. Placing himself at the head of his handful of men, by a sudden charge on the flank of the works, he succeeded in making himself master of the redoubt, with very little loss, although it was manned by fifteen hundred Kentuckians and other militia, and mounted full twenty guns. When daylight broke, he was preparing to turn those guns upon the flank of Jackson's line, which lay entirely exposed to their fire; but he desisted, on receiving the news of the total defeat of the main attack. "Colonel Dickson was sent over to examine the situation of the battery which had been won, and report whether it was tenable; but he



did not deem it defensible, except with a larger force than Lambert could dispose of for that purpose, and therefore this detachment was drawn back to the left bank of the river, and the troops at all points returned to their camp."

A flag of truce was despatched by the British commander, with proposals for the burial of the dead; and a truce of two days was arranged for that purpose. Out of so confused a medley of conflicting and contradictory statements as the "official" and other reports of the events of this campaign present, it is more than ordinarily difficult to gather the simple facts of the case. No part of a historian's task is more perplexing than that of reconciling, or selecting from, the discrepant accounts of the *numbers* present on the opposite sides in an engagement, and of the amount of the loss on each part. For strategical, political, and other far less noble considerations, misrepresentations on these points are continually made. With regard to the forces engaged and the losses sustained on the two sides, in this campaign of New Orleans, the great diversity which we find in the several American narratives alone, would lead us very strongly to suspect their correctness, unless any of them is confirmed, not only by the British accounts, but also by the other undoubted facts of the case. It is plain from the recital of all that Jackson did to annoy and exterminate the invading army, that he had at command a force much more numerous than it. Remembering that his troops were, for the most part, militia and volunteers, and that the enemy's men were nearly all Peninsula veterans; and admitting that never were brave soldiers worse generalled on this side, nor indifferently trained, or untrained, fighting men more sagaciously commanded on the other,—Jackson could not have accomplished all he did unquestionably achieve, had he not, as the British said, been at the head of at least twelve thousand effective men, and had not the British effective force been less than half that number. In respect of the losses, again, we must observe, that sheltered as the Americans were during this fiercely-fought engagement, the numbers given at last, as representing the whole loss, in killed, and wounded, and missing, on both sides of the river—seventy-one does not appear incorrect; the other tales are palpable mistakes, imperfect totals, or idle and mendacious braggadocio. The higher estimates of the British loss need no attention, being simply absurd; but it is at first sight inexplicable, that the number stated to have perished on that fatal day, on the plains of Chalmette, and that too by some that were present there, should exceed the entire number of killed and wounded during the whole campaign as finally ascertained. Nor is it until we reflect upon the impossibility of accurate enumeration in the heat of an action, even if the excitement of such a season would suffer it, nor until we have taken into consideration how many more *fall* than are killed, that we can be content to accept the authenticated numbers as correct. A few more than four hundred of the British died in battle, between the first landing and the final re-embarkation of the expedition; less than sixteen hundred were wounded, a small per centage of whom died of their wounds at subsequent periods. Fifteen hundred, and that is a large proportion of the entire numbers engaged in this invasion, will be the total of killed, wounded, and missing, for this

disastrous day before New Orleans. Jackson's loss during the entire campaign, in every way, amounted only to three hundred and sixty-three!

We have not the heart to follow the British in their deplorable retreat, which was effected on the night of the 18th. The six days intervening between the expiration of the truce and the evacuation of the bivouack (for it was not an encampment), were spent by the British in assuring themselves that their cause was hopeless, and in withdrawing by stealth, in the dark, through swamps, amongst alligators, and along causeways, impassable to the thoroughly defeated men in consequence of the rain; and by the Americans, in throwing shot of every kind, by night and day, into the quagmire where the enemy sheltered himself. The whole of the field artillery, most of the ammunition, and all the stores of the invading force, were carried away on their retreat, except the siege artillery, which was already in part destroyed, and some powder barrels and piles of shot left in the useless batteries. Only eighty of the wounded were left, with an appeal to the humanity of the Americans; "a duty, which General Jackson discharged with a zeal and attention worthy of the ability and gallantry he had displayed in the action."

We have not described the British retreat, neither shall we attempt to describe the exultation, heaven-high, which took possession of the war party and the administration. Yet must we observe, that inasmuch as Jackson baffled and drove away the most seriously-attempted invasion of the United States, by adopting a species of warfare suited to the capability of his irregular and undisciplined levies,—which to regular and disciplined troops could but prove in the last degree difficult to resist,—and with admirable skill took advantage of the utter want of strategic ability in the British commander, compelling him to give battle under circumstances most unfavourable to himself, most propitious to the Americans,—there was no need for misrepresentations of the comparative numbers of his own men and the enemy to swell his triumph. Whilst the British, veterans all of them, ought not to have felt bound to insist upon Jackson's numerical superiority by way of accounting for their complete overthrow. Such a series, not of mistakes (for that word implies the possession of some generalship, however defective), but of glaring proofs of the absence of every intellectual quality that enters into the composition of a military leader, no one could have imagined possible before now. Nor was there any occasion to insult the memory of the commander—whose personal bravery was as conspicuous as his professional incapacity, especially since he had fallen a victim to his own misdirected courage—with so hateful an invention as that of his having given "Beauty and Booty" for the watchword, on the day when he fell.

As if to abate the brilliancy of so excessive a triumph, no sooner were the good news of the peace, established by the treaty of Ghent, known in New Orleans, than the wildest insubordination to military restraint seized upon the raw militia-men and volunteers, who had been compelled by Jackson's iron resolution, under cover of night and the ramparts of cotton bales, to become soldiers. "Intoxicated with victory, and confident of security, they almost disbanded themselves, in defiance of all their commander could do to keep them in order." "Six weeks of intestine controversy, as trying as war," followed, and the hardy-pressed general found these pacific contests, with the excited members



of his own party, harder to conduct to victory than hostile conflict with an invading enemy had been.

Martial law; how needful soever when Jackson proclaimed it, is wholly alien from the spirit of the United States' constitution and people. Mob law itself, by manifold experiments, has been demonstrated to be by no means so opposed to that spirit as law military. Contrary to universal expectation, Jackson chose to regard the treaty of peace as *nil*, until it was ratified by the President, and refused to rescind his proclamation. The corporation of "able editors," who had drunk deeply into Jefferson's opposition-democracy, took the lead in this revolt. But, yet more vexatiously, the French inhabitants of Louisiana, some of them naturalised as American citizens (whom we may excuse for having implicitly trusted to the Gallomania of the great democratic leader), surpassed the men of the press in rebellion. "Jackson had with them a more difficult contest than with the printers; and was led on, step by step, to measures of such rigour as involved questions of great moment."

"Resolved to subdue them," Jackson ordered all French subjects to leave New Orleans, and retire into the interior; an order which, it must be admitted, went to the full extent of the endurance of the class referred to. A champion appeared for them in the person of a Mr. Louallier, who had resisted martial law in the state legislature; and who now, in a local newspaper, characterised the general's proceedings with impartial fidelity, and intimated that the Judiciary would declare his martial law unconstitutional and void. Having obtained the name of the writer of this daring challenge, Jackson had him arrested in broad day, and "taken as a spy to the barracks, where he was placed under military guard." Dominic A. Hall, district judge of the United States' court for Louisiana, at Louallier's application, issued a writ of *habeas corpus* on his behalf, but suggested that Jackson should be apprised of it before it was served on him.

To the astonishment of all the world, the general instantly ordered the judge himself to be arrested, and had him confined in the barracks, in the same room with Louallier, "for aiding, and abetting, and exciting mutiny within his camp." For he strongly suspected that the judge and the representative were acting in concert, with a view to procure by judicial condemnation the annulling of his martial law. According to Judge Martin, Jackson's conduct in this affair was marked by "vulgarity, ignorance, ferocity, and violence." It certainly is very difficult to discover the Tennessee lawyer in the major-general of the United States on this occasion. As we can easily believe, feeling ran high on all sides. The circumstance of Hall's being the judge of a federal court, was quite enough to enlist the democratic multitude on Jackson's side; although, by *his* over-riding of all law, both state and federal, by his proclamation, issued on the authority of his *federal* commission, he was the real violator of state rights, and against him the popular wrath should have been directed.

We cannot trace through all its steps this extraordinary affair. We can only say, that not until he received official notification that Madison had ratified the treaty, did Jackson lay down his arbitrary power, although he endeavoured to make it appear that he was compelled to maintain it, by the refusal of General Lambert to agree to an armistice. He next disbanded his militia. Louallier

had been tried by court martial, and acquitted. The judge had been released also, but banished from New Orleans. Jackson was now attacked for contempt of court, after having in vain shown cause against it. Sustained by the countenance of a tumultuous throng of disbanded militia and other admirers, Jackson assumed the air of judge rather than that of delinquent; refused to answer any questions, and encouraged Hall to proceed with the trial, by the insolent assurance that he should submit to his sentence. He was condemned to pay a thousand dollars; but no alternative was provided in case of his refusal, the judge being manifestly overawed by the prisoner's adherents. Jackson nevertheless paid the fine, declining the assistance of a subscription, and was borne off in triumph by his adorers, whose affections he had fascinated by showing himself to be superior to the laws of his country. It was by this means, as well as by his generalship on the plains of Chalmette, that he paved the way for himself to the presidential chair. And nine and twenty years afterwards, on the motion of Ingersoll, Congress itself,—the national legislature, to illustrate its reverence for the national law,—by large majorities in both houses, and by special act, refunded both principal and interest of this fine.

We must now return to the point at which we left the negotiations, in the last chapter,—the offer made by the British government to treat directly with the government of the United States, and to commence proceedings at once, either at London or Gottenburg. This proposal was immediately accepted; and Henry Clay and Jonathan Russell were appointed with John Quincy Adams, Gallatin, and Bayard, plenipotentiaries to treat with the British envoys. If we may regard the armies and ships of war of the United States as expressions of the spirit of the people, that of the administration to the leader of the dominant party now found befitting expression in the tone and conduct of its ambassadors. So intensely anxious was Madison for peace, and so completely had his representatives imbibed his feelings, that one of them, George L. Dallas, actually ventured to enter England under the passport of a Russian courier, for the purpose of securing an arrangement for negotiations, by the instrumentality of the Russian ambassador there and Mr. Alexander Baring. In the spring of 1814, Gallatin and Bayard proceeded to London, where it was at first intended to conduct the proceedings; but Ghent was afterwards fixed upon, as a more suitable place than either of the others which had been mentioned. And Lord Gambier, Henry Goulburn, and Dr. W. Adams, were appointed commissioners by the British government.

The hopes of the American commissioners had been by no means buoyant, during their stay in London; they had even communicated their despondency to their government, and the administration which had gone to war with Britain, in defence of "seamen's rights," and in resistance to impressment, actually consented to drop the subject of impressment altogether; merely stipulating, and that only for domestic reasons, that in giving up this single point in dispute, they did not admit the British claims.

The government of Great Britain, although its suggestions had been almost implicitly carried out, appeared to be in no haste to commence negotiations. It had the more arduous negotiations, which followed the overthrow of Bonaparte, in hand; and it was also bent upon making one trial, at least



(which it was vainly hoped would prove satisfactory), to settle the quarrel with the United States by force of arms. So it was not until the 6th of August that the British commissioners found their way to Ghent; but no delay was then made in commencing business.

The proceedings were, as is commonly the case, and especially in circumstances like those under which these commissioners met, tedious enough. More than once, the negotiations seemed upon the very verge of being broken off. The demands put forward by the British commissioners were undoubtedly exorbitant, whilst the resistance offered to them by the Americans not unnaturally appeared to the others indecorously vexatious. At every difference which arose between them, the British commissioners were able to consult their government without delay, and to act upon instructions adapted almost to the daily changes in the aspect of affairs; but the Americans, "by reason of their remoteness from home, were under the necessity of deciding upon the spot, and on their own responsibility," all the questions which arose. But, notwithstanding this great disadvantage, the credit of the United States was not diminished by the conduct of her envoys at Ghent. They had, it is true, the advantage of superior numbers; and they were opposed by no very eminent diplomatist; less practised, less acute men, and men less imbued with the feeling respecting England, then all but universal in the United States, might, nevertheless, have compromised their country.

Our readers will remember, that we have insisted upon the necessity of this war, upon quite other grounds than those taken by the promoters and vindicators of it. It was most manifest, that the reasons assigned for it were related to it as rhetorical defences rather than effective causes. Otherwise the hostilities and depredations of the French would have required the declaration of war against France also; the tidings of the repeal of the "Orders in Council" would have been immediately followed by an armistice and negotiations; and the impressment question could not, under any pretence, have been passed by *sub silentio*. Otherwise, how can we account for the prominence given to the North-east Boundary question, which had been under pacific discussion ever since the treaty of 1783, and was brought no nearer to a conclusion by this treaty? Or to the Fishery question, which had not been agitated in a hostile manner before this time, though it has been since? Or to the appearance of nothing else in the negotiations, except theses selected from the "Law of Nations," and subjects originating in the war—armaments on the Lakes, Indian relations, stolen negroes!

Nothing less minute and detailed than a *monograph* of the treaty of Ghent would be adequate to the subject; or to show how many a *sine quâ non* was dispensed with, how many an *ultimatum* was set aside, without closing the negotiations. Only in such a work could be shown the close connection between the phases of the British demands and proposals, and the variations of failure and success in the war, or the different movements amongst the powers assembled in congress at Vienna. But we observe most distinctly, that neither the British ministry, nor their plenipotentiaries at Ghent, so well understood the moment of this negotiation as the Americans did. To Castlereagh, and the government which carried the Corn Laws, the matters discussed at Vienna, the blustering pretences of the Czar of Russia—that remarkable ally of America—and all that

savoured of aristocracy and absolutism, were more real than the interests which were risked by a war with the United States—corn and cotton, the necessities of the *people*!

It is to the daring astucity of Clay that we ascribe the praise of having changed the tone of the American commission from hopeless despondency to that of energetic resistance to the astounding demands of the British. Had he, or one of his temper, devised the “instructions” also, this treaty would have worn a vastly different form, or never have been concluded. Yet we must admit that a much wider basis of victories was required to give the United States even the shadow of a claim to dictate their own terms to Britain; and that, themselves exclusive in their maritime policy, and not free from disagreeable involvements in respect of that impressment question, it was in the last degree difficult for any administration or envoys of America to compel their opponent to give up either the claims or the practices she had established.

Of the differences between the members of the United States commission, arising out of that bottomless abyss of domestic politics, the antagonism between the north and south; of the divulcation of the correspondence between the negociators through the American newspapers; of Madison’s (or Monroe’s) suspicion that Great Britain would demand Louisiana for Spain,—which she did not; of the “Rowland for an Oliver” which Henry Clay favoured Henry Goulburn with, giving him tidings of Prevost’s defeat, in exchange for the news of the burning of the Capitol; of the popular, academical, and other honours conferred upon the plenipotentiaries of the republic of the west, and many other matters equally instructive and delectable, our space allows us to say nothing. We can only add, that at length, on the 24th of December, 1814, the treaty was concluded, and ratified by Madison on the 17th of February, 1815.

Throughout the Union, the return of peace was hailed with the most extravagant manifestations of joy. It was satirically said, that in Massachusetts alone more cannons were fired and more men wounded, during these festivities, than had been in all the war. But far better than these rejoicings, the disaffection of New England was remedied, the insoluble difficulties of the administration were terminated, the war party was gratified—beyond its most audacious hopes—and a new stage in the career of the nation inaugurated. Such were the substantial consequences of this war, and in sight of them we may well leave unrecorded the festive and other celebrations of the victory of New Orleans and the treaty of Ghent. How Clay and Jackson rose into clear eminence, and how the distinction of the latter—the man of courage and will, “thorough-going” in whatever he took in hand—transcended that of the other, who excelled chiefly in audacity and adroitness, and was the *Avatar* of “compromise;”—all this the immediately following Books of our History will declare.

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## CHAPTER VI.

AFTER THE WAR.—THE TREATY.—WAR WITH THE BARBARY STATES.—NEW MEASURES AND ARRANGEMENTS REQUIRED BY THE PEACE.—THE DARTMOOR “MASSACRE.”—NAVIGATION ACT.—COMMERCIAL CONVENTION WITH GREAT BRITAIN.

THE President, in his Message to Congress on the 18th of February, 1815, expressed his satisfaction at the return of peace. And with much reason, for both America and Great Britain had suffered severely during the contest; and though in proportion to its enormous wealth and power, the losses of the latter might be reckoned as less in amount than those of the United States, the English historians are compelled to admit that they had been far too great, considering the objects of the war, its actual upshot, and its influence upon those material interests by which the well-being of the Old Country was most intimately connected with that of its offspring.

Several changes were now made in the ministers resident at the various European courts. Gallatin (whose *French* was “perfect,” but whose *English* was not so good as that of poor, weak Louis XVIII., according to Louis’ own account) was deputed to Paris. Quincy Adams, perhaps on account of his father’s friendliness there, was sent to London. Bayard was to replace him in Muscovy, but the anxieties of the negotiation at Ghent had been too great for his physical powers, and he could not accept the post. Instead, he returned home, and soon afterwards died. At the court of the Netherlands, Eustis represented the United States, and even in Spain was now found an ambassador from the western republic.

But the labours of the plenipotentiaries who had negotiated the treaty of Ghent were not yet completed. Gallatin, Clay, and Quincy Adams, after a short delay, proceeded to London, where they at once entered upon the arrangement of a commercial convention, which had been proposed, as a supplement to the peace; and that without adopting Jefferson’s advice, to insist first upon the relinquishment of the claim to impress American seamen, or, in other words, to recover deserters. The commissioners did, however, attempt to introduce “neutral rights” into this new negotiation, but as the British government refused to treat with them upon that basis, the commercial relations of the two countries alone were dealt with.

We do not trace in the result of the tediously protracted negotiations at London, any more than we do in those at Ghent, much of that positive diplomatic skill, for which credit seems to be taken in behalf of the commissioners. The British kept out of the convention, as they had kept out of the treaty, every matter that they chose, and withdrew only arrogant but really immaterial demands. But on the subject of commercial legislation, neither government entertained, at this time, very enlightened views. Not for many a year afterwards did Great Britain begin even to suspect the wisdom of her protective policy; and the American government, mistaking, by a very common process, *post* for *propter*, considered the British restrictive system as the *cause*

of her immense commerce; and, with a view to foster their infant trade, adopted all the swaddling clothes and bandages which had repressed and imperilled the growth of the mercantile traffic of Britain. The "Free trade" which they used as their watchword during the war, and which their commissioners were instructed to strive for, was not absolutely that, but merely in relation to the British system. Their own trade they did not mean to open; on the contrary, at this very period, Clay and his associates in Congress were labouring to establish what they called the American system, which was essentially protective; and it was deemed a capital stroke of diplomacy, when Clay edged out of the British draft of the treaty of peace, the acknowledgment of the right to navigate the Mississippi. It was *British* trade that they maintained should be *free*; and to themselves only, not to every nation. This we must carefully bear in mind all through our history. For the political vocabulary of the United States is very peculiar, and many remarkable juggles have been effected by the employment of common and generally understood terms in a peculiar and American sense.

Little difficulty was felt in agreeing to the abolition of discriminating duties, on the imports into either nation, whether in the ships of one or the other. But, looking at the subject from the stand-point of the politics of the times, we are not surprised that the British statesmen should object to throwing open their colonial trade to the Americans, who (as they then would say) could offer nothing in return for such a privilege. Whilst this, which has ever been regarded as the most valuable branch of commerce, was most lovingly coveted by the Americans.

After all the negociations, notes, and conferences had been completed, a convention for four years was signed on the 3rd of July, 1815, which differed in no respect for the better (as the United States government could regard it) from that first treaty on commercial relations with Britain, which Jay negotiated, and respecting which Jefferson and his party made so great a stir; and this notwithstanding the lapse of years since 1794; and notwithstanding the waging of a war which the United States claimed as successful for their side. And from this point of view an American annalist was justified in calling it a "meagre convention, by no means worth the time and talents spent in obtaining it." On other accounts, a different opinion of it must be expressed, for it has actually served as a basis for a lucrative and advantageous commercial intercourse between the countries; and until the commencement of the true "free-trade policy" of Great Britain, was not interfered with except by other conventions, hereafter to be spoken of, and by what Macgregor very justifiably calls, "absurdly conceived British orders in council, and President's proclamations." Which absurdities have, in conjunction with the protective and restricted trade measures of the democrats, from the time of Jefferson, and the results of the British free-trade measures, lately demonstrated (a truism, indeed, but one which required demonstration) that the most hopeless of all plans for fostering and extending commerce, is that of putting a stop to it by embargoes and non-intercourse acts, or a check by discriminating duties and the like.

In substance, this convention amounted to the placing of the direct trade



between the United States and Great Britain upon a strictly reciprocal basis. But the trade with the British possessions in the East Indies was to be carried on in American ships, directly, only with the United States; and the traffic between the United States and the British possessions beyond the Atlantic, was not to be affected by the reciprocity article; "but," as the convention said, "each party was to remain in complete possession of its rights with respect to such an intercourse,"—which meant, that the United States should not be admitted to this branch of trade at all.

Out of this latter portion of the treaty arose many "difficulties" between the two governments, as was, indeed, so inevitable, that it might safely have been predicted, at the time the treaty was made. For, as one commentator upon it has remarked, "the direct trade between the United States and Great Britain was so interwoven with that between the United States and the colonies, that the end which the American government had in view would have been defeated—if, while the European part of the intercourse was placed upon a reciprocal basis, the colonial trade had been monopolised by British navigators. The reciprocity aimed at would have been relinquished, because the advantage exclusively secured to British vessels, by a combination of voyages, in the course of which supplies could be carried to the West Indies, would not be less real and operative in the trade with Europe, than if they were directly given by bounties or discriminating duties."

In the midst of these pacific proceedings, however—whilst the waves were thus composing themselves to their ordinary, measured roll, after their rude tossings and heavings before the storm-blast of war—another gust, from a different quarter of the heavens, smote them, and crested them with foam again. Our readers will remember the former war with the Barbary States—the first naval war in which the United States engaged, after they had fought their way to freedom. The annual tribute also, and what poor Mr. Wood, suppressed by the hands of his friends, said about it, will likewise be remembered. With such powers, peace was as little to be desired as war; indeed, a heartily done war was in many respects to be preferred to any peace, and particularly to one purchased by the payment of a yearly tribute. Barbarians as they were, the most humane principle of dealing with them, was first to drub them soundly, and then to reduce them to the necessity of earning an honest subsistence. Washington, hoping by other treatment to lead them into the ways of civilisation, only deferred the settlement of the dispute. And unhappily the practice of almost all the European nations was based upon the same fallacious hope; so that the delusion under which these nations of corsairs laboured was really inveterate.

Algiers was the first to make an open rupture with the United States. The Dey complained of the quantity, quality, and worth of the goods sent to him, in the summer of 1812; and not only would he not receive them, but he ordered the vessel which brought them to quit the port immediately, and the American consul with her, in spite of every attempt made by that officer to explain matters. A new demand was also made, which showed the Dey to have been an adept in the kind of cunning that enabled him to tyrannise over his own subjects with effect. The year of the Mohammedans consists of three

hundred and fifty-four days only, and therefore there would be a greater number of their years, in any given period, than of years computed in the Christian manner. This peremptory potentate now insisted that the years contemplated in the agreement to send a yearly tribute, were Mohammedan, not Christian, years; and that there were, in consequence, arrears of half a year's payments due to him, amounting in value to twenty-seven thousand dollars. The consul was told that unless he paid this immediately, he should be sent in chains to the galleys, the vessel and the tribute sent in her should be confiscated, every American in Algiers condemned to slavery, and war declared against the United States.

Finding that by no other means than compliance with this insane order he could avert the threatened penalties, the consul was compelled to get the money as he could and pay it on the spot. But immediately that this was done, and ship, cargo, and consul gone, the Dey commenced a piratical warfare against United States' vessels, and captured all he could. Madison, whose hands were filled with hostile troubles, attempted by confidential and friendly negotiation to ransom the prisoners thus made; but the terms demanded by the insolent barbarian were so outrageous, that nothing could be done; and the war with Great Britain following immediately, the prisoners were obliged to rest in hope that they should be rescued, until the peace.

To this praise, and it is no slight one, for it more than realises the philosophic ideal of a republic, Madison is undoubtedly entitled: he lost no time, when peace was actually made, in taking steps for the recovery of the Algerine captives. On the 18th of February, 1815, the signature and ratification of the Treaty of Ghent was intimated to Congress; on the 20th a Message was sent "relative to the Barbary powers," and three days later a declaration of war against Algiers was recommended in another Message. Congress, more wary, or more slow to feel as the executive could, the life of the nation in each individual citizen thereof, responded to this recommendation by passing an Act, on the 2nd of March, for the protection of commerce from Algerine cruisers. This, though it did not contain a formal declaration of war, authorised the President to send a sufficient force to the Mediterranean and adjoining seas, to protect the commerce of the United States, and, in short, to do everything but "declare" war.

Madison, accordingly, immediately fitted out the most effective squadron that he could. The *Guerriere*, *Constellation*, and *Macedonian*, all famed in combats on the sea, with six smaller ships of war, were put under the command of Decatur, and sent to the Mediterranean. In little more than three weeks his squadron was at Gibraltar, and there received intelligence which induced him to proceed at once against the enemy. On the 17th of June he fell in with the *Massauda*, 46, commanded by Rais Hammida, once a Berber chief, now a famous corsair captain, and admiral of the Dey's fleet. A running fight of near half an hour ensued, and at the end of it the Algerine struck to the *Guerriere*. Hammida was cut in two by a chain shot, at the first broadside; and at the second, the pirates, not relishing such sharp shot, left their quarters and ran below, in fact, abandoning the ship to her fate. Despatching his prize to Carthage, the Commodore continued his search, and two days afterwards



came up with a brig of twenty-two guns, which, after a chase of three hours, ran into shoal water off the Spanish coast, and was there attacked and captured by the small vessels.

On the 28th of June, the squadron proceeded to Algiers, both to intercept the rest of the Dey's fleet, and to open communication with him, if it should be possible. Taking a position out of reach of their guns, Decatur signalled the Swedish consul on board, and by him sent ashore the letter of the President to the Dey. In reply, the captain of the port came on board, and the terms proposed to him, as the basis of a treaty, were the absolute and unqualified relinquishment of all claims to tribute from the United States. The Algerine rejected this proposal with indignation, until he was assured of the destruction of the two ships, and the death of the admiral. When he found that the American commander was in a condition to enforce whatever terms he pleased, and after offering fruitless objections to some of the articles in the draft produced by Decatur, the negotiation was closed. All the American captives were released, and the treaty was executed in three hours afterwards, to the satisfaction of the Dey, as it proved; for another of the Algerine vessels hove in sight during the interval, and another hour's delay would have been repaid by its capture.

After giving up the two captured vessels, which was as politic on Decatur's part as it was gratifying to the Dey, the squadron proceeded along the coast to Tunis. News of the first success was sent home by the *Epervier*, which unhappily perished on the voyage with all hands on board. The object of the extended cruise was, to impress upon the piratical states of northern Africa, the conviction that the United States, though so recently engaged in such a contest with the greatest maritime power in the world, were fully able to protect their mercantile marine; and with that view a relief squadron of heavier ships, the *Independence*, 74, the *United States*, and *Congress*, with five smaller vessels, under Commander Bainbridge, was despatched in June to follow Decatur, and increase the effect of his demonstration.

Learning at Tunis that two American prizes, during the late war, had been taken out of that port, and carried off by a British cruiser, and that other injuries to the United States had been allowed, Decatur demanded and procured instant satisfaction for the insults, and full restoration of the property. At Tripoli, the pacha had permitted two American vessels to be taken under the guns of his castle, and had refused protection to an American cruiser within his jurisdiction; and for these wrongs, in like manner, full compensation was demanded and given. When Bainbridge's squadron arrived, it was found that everything required by the honour and the interest of the United States had been accomplished; and in consequence, leaving part of his force to winter in the Mediterranean, he returned home, where he found Decatur, who had arrived a few days before.

The Dey made one more attempt to recover the position he had lost -- refusing to recognise the ratified copy of the treaty, when sent him in the following summer. But his understanding having been assisted by the appearance of the American squadron in the bay of Algiers, he offered no further resistance: having, indeed, another and more mighty antagonist at that time,

Great Britain, who shortly afterwards bombarded the city, and opened the way for the final destruction of the state by the French.

Allusion has been made in the First Volume to the Message to Congress read on the 4th of December, 1815; and in the same place will be found mention of some measures of the legislature and the administration, by which the relations of the United States with foreign nations were, in certain respects, regulated; and of some other acts, by which the state of things resulting from the war was brought back, in design at least, to the ordinary course of affairs in times of external tranquillity. Very remarkably, when the ratification of the commercial convention came to be discussed in Congress, the same question was revived, which the Republican party, in 1794, had so warmly agitated—the power, namely, of the President to conclude a treaty with any foreign nation, without the concurrence of the House of Representatives. Considerable difference of opinion prevailed between the two Houses upon the proper method for giving effect to the reciprocity clause of that convention. The Senate, on this occasion, took the Federalist view of the subject; while the House maintained that the formal repeal of the discriminating duties was required. To obviate the difficulty, the passing of an Act, simply declaring that those duties were repealed, was proposed by the Senate; and after some objections, upon the recommendation of a committee of conference, agreed to by the House.

Another subject discussed in Congress during this session, was one which threatened to interrupt the amicable relations of Great Britain with the United States before they were fully re-established. An outline of this incident will be sufficient.

In Dartmoor prison, in Great Britain, almost all the American prisoners of war were confined. It does not appear that they were subjected to worse treatment than persons in their unhappy condition customarily experienced in those times. We know, however, from unexceptionable evidence, that the feeling with which the combatants and prisoners on either side regarded each other was extremely bitter. As soon as the conclusion of a treaty of peace between the two countries became known to the *détenus* in Dartmoor, the greatest excitement prevailed amongst them. Under their circumstances, no ordinary amount of philosophy would have been required to enable them to receive such intelligence, unaccompanied by the proclamation of their own personal liberty, with calmness. Every hour's delay in opening the prison-gates to them was to that extent an abridgment of their liberty, and was proportionally resented. The effects of the manifestation of which feelings upon the soldiers on guard, without ascribing to them any excessive amount of the insolence of office, could not but have been extremely unfavourable.

Early in the month of April, 1815, as we learn by the report of the commissioners appointed by the two governments to inquire into the matter, “an increased degree of restlessness, and impatience of confinement,” “principally indicated by threats of breaking out, if not soon released,” appears to have prevailed amongst the prisoners. On the 4th, they were guilty of much insubordination, but not such as to make the employment of force necessary. Two days afterwards, in the evening, so many things, trifling in themselves, but all seeming to show a determination on the part of the prisoners to obtain their



liberty in spite of the guard, occurred, that the officer on duty rang the alarm bell, which not being understood by the prisoners, they proceeded to more daring acts of disobedience. The greatest possible confusion prevails in the evidence which was subsequently taken, and much of it we can receive only as showing the exasperated feelings of both sides. Making all reductions on this account, it appears that the soldiers felt themselves compelled to use their fire-arms for the purpose of intimidating the prisoners. But as they proceeded in what is called the humane way, firing over the heads of the rioters, nothing but irritation and fresh insults were the consequences; whereupon the military fired in earnest upon the unarmed crowd, killing in all seven, and wounding thirty dangerously, and as many more slightly.

Clay and Gallatin, at that very time in London, engaged in negotiating the commercial convention, immediately put themselves in communication with Lord Castlereagh, and a complete, if not a very satisfactory, investigation of the affair took place. And finally, the Prince Regent communicated to Monroe his disapprobation of the conduct of the soldiers, and his desire to make compensation to the widows and families of the sufferers, which proposition the President, "doing full justice to the motives which dictated it," declined to accept. This was the "Dartmoor massacre," and, happily, it led to no rupture between the governments.

The attention of the administration had been, since the termination of the war, earnestly directed to the subject of the claims of American citizens on the belligerent governments of Europe, on the ground of commercial spoliations. The Treaty of Ghent had settled the question of these claims as far as Great Britain was concerned; but there still remained those against France, Spain, Naples, Holland, and Denmark—some of them dating from before 1800—to be settled.

Pinkney, the new ambassador to Russia, was sent to Naples first, to enforce the claims we speak of; but although he paraded the new seventy-four, with other parts of the Mediterranean squadron, in the bay of Naples, the Bourbon sovereign, acting upon the advice of the emperors of Russia and Austria, declined to hold himself responsible for what had occurred under the dominion of Murat; and Pinkney was compelled to depart without having effected anything. Nor was Eustis more successful at the Hague. There, also, the acts of the Bonapartean sovereign were formally disclaimed, and no satisfaction could be had. With Denmark likewise nothing could be done.

Similar objections to many of the claims made upon the Spanish government also were urged. Neither did an offer to accept the cession of Florida as full compensation of these claims lead to a more satisfactory result, although it was supported by the proposal to be contented with a narrower boundary for Louisiana on the side next Texas. The Spanish ambassador declined to open negotiations until that part of Florida, of which we have said in another place the United States had taken possession, was restored. He also complained, and that with sufficient justice, of the filibustering which had been tolerated (though proclaimed against), if not privately sanctioned, by the government of the United States; and still more of the privateering which was carried on against Spanish commerce, by citizens of the United States, under the flags of the insurgent colonies of Spain.

But although no satisfaction for mercantile losses could be obtained from Spain, the President felt bound, after the representation made by the Spanish ambassador, to secure the passage of an Act of Congress against the privateers, which was as effectual as such acts usually were.

There was one outrage of which, as it appears, the ambassador did not complain; and yet for it, more than for any other, the United States were bound to give satisfaction. While Bainbridge was idly cruising in the Mediterranean, intent upon demonstrating to the weaker powers there the naval strength of the Anglo-Saxon republic, which had even dared to measure swords with Great Britain, it chanced, one July day, that he lay off Malaga. There, remarkably enough, one of his crew deserted, and being apprehended by one of his officers in the streets of the place, was set at large again by the authorities, for the perfectly astounding reason,—that he was a subject of Spain! We of course fully admit that this was altogether untenable, and we marvel at the perverted taste of the fellow who made such a choice; but still we learn with the most unfeigned astonishment that Bainbridge, reading the motto on the flag of his navy exactly backwards—since "the case was altered"—now enforced "seamen's rights," by threatening to bombard the city and to seize and carry his man off by force if he were not peaceably given up to him! We do not regard the method of enforcing the giving up of deserters practised by the British as one to be imitated, nor can we consider their disregard of the laws of naturalisation prevalent in the United States as dignified; although we have been compelled to grant that, viewed from their own ground, they frequently had the right on their side in their collisions with the Americans on this subject. But from the American starting-point, how any man could arrive at such a practical issue wholly passes our comprehension; and we can only place this note of unmitigated admiration at the stupendous inconsistency of the men who aspired to recast the laws by which the intercourse of nations was governed, and to break the tyrannical rod of the Queen of the Seas!

France proved as little disposed as any of the other powers we have spoken of, to make compensation for the depredations she had committed upon the commerce of America. But it must be remembered, that in the height of philo-Gallican frenzy, during Washington's presidency, Monroe had assured the Directory that the United States would cheerfully submit to such spoliations, for the benefit of their generous ally, and the whole of Jefferson's party, now in the ascendant, had (though informally) ratified his bombast. The tameness with which Bonaparte's demands and outrages had always been received, would have warranted any ruler in believing that no objections of the least weight were so much as felt by them. And besides, Napoleon had insisted upon the setting off of all demands on France, for depredations committed between 1800 and 1803, as part payment for Louisiana; and before this had refused to accept Jefferson's ratification of the convention, negotiated under John Adams' auspices, unless one of the articles relating to spoliations committed before 1800, which he had himself introduced and ratified, were withdrawn!

These proceedings, as well as the directing of hostilities against Great Britain only, when both France and Great Britain were complained of, as



molesting and harassing the commerce of the States, would have been quite sufficient to explain, if not to justify, the refusal of France to admit the claims now urged against her. And, at the same time, we shall not be amazed at seeing the unsatisfied claimants for this compensation grow almost into an "institution," in America; nor will it, on the whole, displease us greatly that we should be able, by such an instance as this, to show how sternly righteous a Nemesis presides over the doings of nations, and makes their seemingly trivial indulgences in wrong, all, at the fitting moment, prove means of national chastisement, for this is one function of history in relation to the present and coming generations.

For some account of Madison's last Message, which bears date December the 3rd, 1816, we refer our readers to the chapter devoted to the internal affairs of the Union; quoting, however, one brief passage from the conclusion. In taking his final leave of Congress, he eulogises the American people and constitution, and expresses his hopes respecting the future of his country; desiring, amongst other things, that it should "exhibit"—"A government which avoids intrusion on the internal repose of other nations, and repels them from its own; which does justice to all nations with a readiness equal to the firmness with which it requires justice from them; and which, whilst it refines its domestic code from every ingredient not congenial with the precepts of an enlightened eye, and the sentiments of a virtuous people [from all the horrors of its slave laws, for example!], seeks, by appeals to reason and by its liberal examples, to infuse into the law which governs the civilised world a spirit which may diminish the frequency, or circumscribe the calamities, of war, and meliorate the social and beneficent relations of peace. A government, in a word, whose conduct, within and without, may bespeak the most noble of all ambitions,—that of promoting peace on earth and good-will to man." An aspiration which, alas! yet seems to be far from its realisation.

The Navigation Act, cursorily mentioned in an earlier page, was merely an imitation of the narrow policy of the British. It was intended, in part, to supplement the protective tariff; and, in part, to operate upon Great Britain in the direction indicated by the claims made at the negociation of the commercial convention; and its details do not need to be specified. Placed in a position so advantageous for the introduction of a large and liberal policy, as never was occupied by nation before, the United States not only lost the opportunity of signalling themselves as truly the leaders in the mighty march of civilisation, but—just as with the Jeffersonian embargo schemes—imposed needless burdens of fetters on themselves, because the mother country would not treat their independent government as a daughter state, and admit it to share its own illusory gains. Could it be to the accident that the political force of the Union was wielded by the anti-commercial party, whilst the chief or only ground for them to show their opposition to Great Britain, was commerce,—that this was owing?

Here we may take leave of the administration of Madison. It was a period of trial for the United States; but, as it now appears, trial which was appointed for high ends—if wisely used, though if unwisely received, for unspeakable woe and injury. The sequel of our history will assist in determining how it actually

was used. But though we thus regard the events, those who guided and originated them we must judge as men;—and on this principle we can accord but little praise to the successor of Jefferson. His condemnation may be summed up in a word. He hurried the nation into war, without conviction, to do the behests of the party which had made him President, and alone could extend his term of office. Nor can the eulogy of the Federalist writer, who has so unpitiously exposed the political immoralities of his more eminent master,—that he “retired with dignity from his high station,” and “maintained that dignity in retirement, exhibiting an honourable and exemplary virtue, as a private citizen, through a prolonged life,”—be pleaded in extenuation of this grievous fault.









## BOOK II.

### THE ADMINISTRATION OF MONROE AND JOHN QUINCY ADAMS.

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#### CHAPTER I.

PROGRESS OF THE UNION UNDER MONROE'S PRESIDENCY.—CHARACTER OF THE PERIOD COMPRISED IN THIS BOOK.—FINANCIAL EMBARRASMENTS.—THE FLAG.—INTERNAL IMPROVEMENTS.—DISSENSIONS ON SLAVERY.—THE CENSUS.—MONROE RE-ELECTED.—THE MISSOURI COMPROMISE.—BANKRUPTCY LAWS.—STATE OF PARTIES.—KING'S EMANCIPATION SCHEME.—THE PRESIDENTIAL ELECTION.

THE period which now opens before us was one distinguished in its most essential features from all those which preceded it. The old parties, which had maintained a perpetual contest in the political arena, gradually died out, and new combinations took their place, both in the conduct of home and foreign affairs, and in the management of matters affecting the states severally and in confederation. Not, as will soon be seen, that the ultimate grounds of these party divisions were different from what we have discerned them to be, for the Federalists and the Republicans; but that the opposing policies, based upon the maintenance of state-rights and union-rights, upon commerce and agriculture, upon freedom and slavery, were differently blended, and tinged variously, by the introduction of other and less fundamental opinions. We may say, generally, that the political system, of which Clay is representative and exponent, was in the ascendant when Monroe first took his seat in the President's chair; but when John Quincy Adams, after a single term of office, left the White House, the dominant system was that with which the name of his successor, Andrew Jackson, has become most completely identified.

Moreover, it was not a season in which the constitution and the Union were called upon to resist any very severe shock. On the whole, it was a time of considerable tranquillity, both externally and internally. And, as cause and consequence of this, in part, and at once, a new branch of trade,—which we have noticed as growing rapidly and surely, both in peace and during war, and to which, perhaps, the new combinations of parties (of which we spoke) may be in good part owing,—home manufactures; this new branch of trade, less narrow than agriculture, less cosmopolitan than commerce, now thrived most vigorously.

Perhaps we may in some degree ascribe the tranquillity of this period, or at least of its former part, to the undistinguished character of the President, Monroe. The appointment of so inconspicuous a person to a station of such eminence, was the lowest fall accomplished by party votings up to that date. Neither as a diplomatist nor as a statesman had he shone in the annals of America. The embrace given him by Merlin *Suspect*, his unratified treaty with

Great Britain, his conscription scheme, and his pledging his own good name for the purpose of obtaining supplies for Jackson at New Orleans, these—the last of which alone had any merit, and that rather of a private than a public sort—these were his claims to fame. He did not increase them by the opportunities afforded him in the eight years he occupied the presidential chair.

The ceremony of inauguration took place on the 4th of March, 1817, in the usual manner. The newly-elected President and Vice-President, accompanied by a numerous cavalcade of citizens, proceeded from Monroe's house to the Hall of Congress. Madison was there, with the judges of the Supreme Court, the members of the Senate, the *corps diplomatique*, and other high dignitaries of state. In the Senate chamber, Tompkins took the oath of office as Vice-President, and was conducted to the chair, where he delivered a brief address. Then, having adjourned, the Senate attended the President to an elevated portico, erected for the occasion; where, in presence of a great concourse of people, Monroe delivered his inaugural address, and the oath of office was administered to him by Chief Justice Marshall.

In the address he sketched "the highly favoured condition of the country," in which was involved the consideration of "the interest of every citizen to maintain it," and further discussed the dangers which menaced it.

"The government," he said, "has been in the hands of the people. To the people, therefore, and to the faithful and able depositaries of their trust, is the credit due. Had the people of the United States been educated in different principles, had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career, or been blessed with the same success? While, then, the constituent body retains its present sound and healthful state, everything will be safe. They will choose competent and faithful representatives for every department. It is only when the people become ignorant and corrupt, when they degenerate into a populace, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and a usurper soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us then look to the great cause, and endeavour to pursue it in full force. Let us, by all wise and constitutional measures, promote intelligence among the people, as the best means of preserving our liberties."

Next, considering the possibility of war again arising, and the duty of supporting the rights of the nation, and cherishing its strength, Monroe proceeded to detail a perfect system of national defences, further mention of which we postpone for the present.

"Other interests," he added, "of high importance, will claim attention; among which the improvement of our country by roads and canals, proceeding always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the states, we shall add much to the convenience and comfort of our fellow-citizens, much to the ornament of the country, and, what is of greater importance, we shall shorten distances, and by making each part more accessible to and dependent on the other, we shall bind the Union more closely together." "Our manufactures will likewise require the systematic and fostering care of the government. Possessing, as we do, all



the raw materials, the fruit of our own soil and industry, we ought not to depend, in the degree we have done, on supplies from other countries. . . . It is important, too, that the capital which nourishes our manufactures should be domestic. . . . [And] equally important is it to provide at home a market for our raw materials, as by extending the competition, it will enhance the price, and protect the cultivator against the casualties incident to foreign markets."

The Indians, the revenue, the public lands, and the public debt, were dismissed with a few words; the need of "every facility" to enable the executive (which was spoken of as "charged, officially, with the disbursement of the public money") "to bring the public agents, entrusted with the public money, strictly and promptly to account," because of "defaulters," was also urged; and the satisfaction experienced on account of the establishment of peace without, and the growth of harmony within, was duly intimated, with the correlated duties of cherishing and extending both.

"Never," said the new President, in conclusion, "did a government commence under auspices so favourable, nor ever was success so complete. If we look to the history of other nations, ancient or modern, we find no example of a growth so rapid, so gigantic, of a people so prosperous and happy. In contemplating what we have still to perform, the heart of every citizen must expand with joy, when he reflects how near our government has approached to perfection; that, in respect to it, we have no essential improvement to make; that the great object is, to preserve it in the essential principles and features which characterise it, and that that is to be done by preserving the virtue and enlightening the minds of the people; and, as a security against foreign dangers, to adopt such arrangements as are indispensable to the support of our independence, our rights, and liberties. If we persevere in the career in which we have advanced so far, and in the path already traced, we cannot fail, under the favour of a gracious Providence, to attain the high destiny which seems to await us."

And so,—for we may omit the complimentary allusions to his predecessor, and his hopes of aid from the other branches of government,—with this most remarkable eulogy upon a polity which allowed such an enormity and anachronism as slavery to exist, with every proviso for a revolution in case its abolition should be attempted,—so did James Monroe "read himself in" to his exalted office. It must have been a strange thing to John Adams, and to Jefferson, to hear what their successor had announced as the outline of his plan of political procedure. Disciple of Jefferson though he was, it was Federalism, rather than Republicanism, which Monroe's address declared. But most of all, it was the system of Henry Clay, which (as we have before observed), was constructed of fragments of the old Federal "platform,"—the Federalism being omitted.

In the same manner did Monroe select the members of his cabinet. John Quincy Adams, recalled from his post at London, was made secretary of state; William H. Crawford, who had formerly represented the United States at Paris, took the place left vacant by Dallas' death; Crowninshield was continued at the head of the navy department, and Meigs as postmaster-general. The office of secretary of war was offered to Governor Shelby, of Kentucky, but he considered

himself too old for its duties, and no appointment was made till the end of the year, when Calhoun accepted it. The attorney-generalship, which Rush held under Madison, was at last given to William Wirt, whom we have met with at the time of Aaron Burr's trial; Rush acting as secretary of state till Adams' return, when he was sent as his successor to England. Not only were they all democratic partisans, but all of them were of Monroe's particular shade of democracy—advocates of the war and believers in the ascendancy of Virginia.

He followed nearly the same course with the subordinate offices in the gift of the executive. Most of them were filled by Republicans, whom he did not, "for his own popularity," remove; but such as he could dispose of, he bestowed upon his own adherents. "The Federalists," says one historian of his administration, "had nothing to hope from him; his course as minister of France and secretary of state had rendered him particularly obnoxious to them, and he had shown, throughout his whole public career, that his party predilections were strong and decided."

In fact, no Federalist of any earnestness could have acted along with a democratic President and cabinet; for the real distinction of the parties were too deep and fundamental to admit of either compromise or co-operation. The bad success of Washington's experiment with Jefferson for secretary of state was enough, of itself, to deter any of his successors from a similar endeavour. And now that the executive was always the representative of a party, the very thought of consulting for the Union at large in such a matter as the choice of a ministry, could no more find admission than in the appointment of collectors of customs and postmasters the consideration of trustworthiness and fitness for duty. And there was always a whole herd of candidates for offices, all of them distinguished by their zeal in the elections, all of them ready to accept any place which would confer on them a modicum of pay and distinction, without too much responsibility or labour.

The cabinet would seem on the whole to have been well chosen, and to have given general satisfaction; for the only changes made in it during the whole of Monroe's continuance in office were the appointment of Smith Thompson, in Crowninshield's place, as secretary of the navy, late in 1818; and, at the end of 1823, the appointment of S. L. Southard, as successor to Thompson, when he was made a judge; and of John M'Lean, instead of Meigs, as postmaster-general. And if the opinion, entertained by some, that the measures of the government could not have been more liberal be not quite correct, it is certain that the fusion of parties, which happened under this presidency, is to be ascribed, in good part, to the moderation of those who had the conduct of public affairs.

No sooner were the ceremonies of the inauguration, and the other constitutional formalities required by the change in the administration, concluded, than the President made preparations for a tour of inspection through the northern states. Having been in various subordinate situations of government, he understood the necessity of seeing with his own eyes whatever it was necessary for him to be informed upon. Wherefore, for the sake of ascertaining the strength of the various fortified places along the Atlantic coast; of removing such works as were constructed in improper situations; of selecting new points for the erection of strong and sufficient batteries, against invasion; and of posting the



regular forces where they would be able to act, in case of need, speedily and effectively, he now set out from Washington. Nor was he less moved to undertake this journey by "his desire to become acquainted with the people and learn their wants, to ascertain how the machinery of government, remote from the central power, performed its functions, and to inform himself in regard to the resources of the country, and the means necessary to develop them." He also intimated publicly, that a regard to the economical expenditure of the national funds, appropriated by Congress to the construction of the coast defences, induced him to make this tour.

Little, however, could in reality be expected from so cursory a view as he would be able thus to take; and there were other objects, important enough to him personally and to his party, which would probably be accomplished by this means. A visit from the most exalted personage in the country, whether he is called president or emperor, is at all times gratifying to the communities selected for the honour; and there was a large section of the population of the northern states politically opposed to him, which might be conciliated to him by this very cheap contrivance. The acerbity of party feeling, too, and especially of the Federalists of '98—"the Essex Junto," that terror of the democrats—might be greatly softened thereby; and if dissentients should not be brought into the republican fold, they might, at least, be induced to be content with the republican President.

We shall relate some of the incidents of this tour hereafter, and confine ourselves at present to the narration of the fact, that on the 18th of September, the President returned to Washington, after having been absent from the seat of government three months and a half, and having performed a journey of more than two thousand miles.

The fifteenth Congress met for its first session at the beginning of December, 1817. The majority of the democratic party was still greater than on former occasions, there being but very few Federalists of note returned, and the greater number of the members being new, in both Houses. In the Senate, Hanson, from Maryland; Harrison G. Otis, of Massachusetts; and Rufus King, of New York, were the only distinguished Federalists; the last-mentioned senator already contemplated desertion from the ranks of his decaying party. On the other side were found, Campbell, of Tennessee—he whose duelling pistols proved of so little service to Madison in the rout of Bladensburg and the sack of Washington;—Eppes, of Virginia; Macon, of North Carolina; Claiborne, of Louisiana; Troup, of Georgia; and Crittenden, of Kentucky.

Pitkin, of Connecticut; Shaw, of Massachusetts; and Sergeant, of Pennsylvania, were the chief Federalists in the House of Representatives. The leading Republican members of that House were, Morton, of Massachusetts; Seybert, of Pennsylvania; Samuel Smith, of Maryland; Taylor and Tallmadge, of New York; Barbour, Burwell, and Mercer, of Virginia; Lowndes, of South Carolina; Forsyth, of Georgia; and Henry Clay, of Kentucky. Calhoun, as we have related, had already been promoted to the ministry of war. A hundred and forty-four votes, out of one hundred and fifty, replaced Clay in the Speaker's chair, and John Gaillard was chosen to act as president *pro tem.* in the Senate.

The Message was read on December the 2nd. It congratulated the legislature upon the general condition of the country; told how arrangements with the British government, respecting naval armaments on the lakes, the north-eastern boundary, and the fisheries, were proceeding; how relations with Spain were in no more favourable condition than before, but rather, indeed, in a less favourable condition, from the "sympathy" of the citizens of the United States with the patriot party in the revolted colonies of Spain, and from the inveterate habit of filibustering in the southern states, against which so many proclamations had been idly emitted, and about which we must speak in a future chapter.

The statement respecting the internal concerns of the country was described as "peculiarly gratifying." After satisfying the appropriations made by law for the support of the civil government and of the military and naval establishments, embracing suitable provision for fortifications and for the gradual increase of the navy, paying the interest of the public debt, and extinguishing more than eighteen millions of the principal, within the current year, it estimated that a balance of more than six millions of dollars would remain in the Treasury, on the 1st day of January, applicable to the service of the year ensuing. The receipts for the next year were estimated at twenty-four millions and a half of dollars, and the outgoings at nearly twenty-two millions; so that there would be an excess of revenue beyond expenditure amounting to nearly two millions and three-quarters, exclusive of the balance expected to be in the Treasury at the beginning of the year. The financial prospects of the country were, therefore, most bright and promising.

Manufactures and machinery, the public buildings at Washington, and "the surviving officers and soldiers of our revolutionary army," all received their share of attention; but the best part of the Message was the concluding paragraph, in which, like a true disciple of Jefferson, Monroe said, "It appearing in a satisfactory manner that the revenue arising from imposts and tonnage, and from the public lands, will be fully adequate to the support of the civil government, of the present military and naval establishments, including the annual augmentation of the latter to the extent provided for, to the payment of the interest on the public debt, and to the extinguishment of it at the time authorised, without the aid of the internal taxes, I consider it my duty to recommend to Congress their repeal." But he added a promise to recommend the re-imposition of them, if circumstances should seem to indicate the necessity for such a step.

First amongst the matters attended to by the legislature, was the removing of the war taxes. The duties on licences to distillers and others, on sales by auction, pleasure carriages, stamps, and refined sugar, were, by one Act, swept away. The duty on salt was also marked for repeal; but, prosperous as the finances seemed, apprehension was expressed by the secretary of the Treasury, that instead of a surplus there would be a deficit, if all that the President promised, and the people expected, were given up; this, therefore, was retained. A considerable section of the members desired a gradual repeal of these duties, that so the larger reliefs to be effected by removing all burdens entailed by the war might be the more speedily accomplished. The people, however, willed it



otherwise. Jefferson had made internal taxation, save under pressure of the direst necessity, an impossibility; and that was one form in which his success had to be paid for by his partisans and successors.

The debate on this bill showed that the *couleur de rose* picture of the state of the country, presented in the Message, was not perfectly accurate. The finances did undoubtedly prosper greatly, and the public funds were at a premium; but commerce had not recovered from the embargoes, and other asphyxiating Acts preceding and accompanying the war, which without them would have been sufficiently injurious. Excessive importations had raised the public revenue, but ruined the private trader, it was said: and the most profitable of all departments of mercantile enterprise—the carrying trade—was, by treaty, as good as closed against American ships. Neither were the banks without their share of condemnation; they, it seems, were contracting their credits, and endeavouring to close bad accounts, and to recover their debts—proceedings never popular amongst those affected by them, and yet indispensable both for the banks and the public in general.

With the Bank of the United States, and its numerous kindred institutions, nothing was attempted in the legislature. But against the other commercial “lion in the way” of the democrats—Great Britain, the old machinery of acts, called “retaliatory,” was set in motion, without the least beneficial effect, as might have been predicted, from the experience of former years.

For the twofold purpose of compensating for the loss of the internal duties, the abolition of which made it “necessary,” says a writer friendly to the administration, “to provide some means for raising the revenue required for the support of government,” and of “affording protection to the infant manufactures of the country,” another change was made in the tariff. Of which, also, fuller mention will be made in the chapter on the foreign relations of the Union, under Monroe’s presidency. Yet we may remark in this place upon the singular choice made by both the people and their leaders, in the United States, to be, not a pattern which other nations should follow, but a warning, just as Great Britain was; but more emphatic, because it was not by monarchy or aristocracy, but by the democracy of America, that the policy of taking out of one pocket, throwing part away, and putting the remainder into the other pocket, was strenuously pursued and advocated, as the only way to national wealth!

Laws were likewise enacted, fixing the pay of members of Congress at eight dollars a day, and as many for every twenty miles they had to travel to the seat of government, instead of fifteen hundred dollars a year, as the last Act had determined; and for pensioning the survivors of the army of the Revolution, as Monroe had suggested. This paying by the day the labours of the legislators of the nation at large, and conversion of the becoming *honorarium* into a salary to be fixed by the work done, or the time spent in doing it, does not seem to us fitted to increase either the efficiency or the dignity of the legislators.

In respect of the last Act, it must be noted that, essentially just as the claim of the old soldiers of the Revolution was, the way in which its allowance was secured partook far too much of vulgar trickery. It ought to have been

sufficient for Congress to have been reminded, that when payment was made at the end of the war to those who had fought the battle of independence, the currency in which it was made had been most frightfully depreciated; so that the sums actually realised did not amount to a fourth of what had been nominally received; with which fact Congress in former years had cause to be tolerably familiar. It surely could not be requisite, in order to the satisfaction of a demand rather of justice than of favour, to misrepresent the grounds of the case, and to pretend that the money required was less than it was known to be. Yet this was done; and not only so, but other claims equally just, which had long been most scandalously neglected, received but stinted attention from the legislature now. Of these, however, we have no need to speak particularly.

One matter of public moment which, for a time, engrossed the attention of Congress during this session, was the insignia of the national flag. The result of the deliberations was, that the vertical stripes of white and red alternately covering the field, were ordered to be thirteen in number, in commemoration of the original number of the confederating states, whilst a chief, or canton, of blue was to be charged with as many stars in silver as there were states actually confederated in the Union.

Notwithstanding the emphatically delivered opinion of the President respecting "internal improvements," the subject was warmly discussed by Congress: a series of resolutions, declaring "the power of Congress to appropriate money for the construction of military roads, post roads, and canals," having been proposed early in the session.

This question, as we shall discover, is one of the "points" distinguishing the last school of democrats in the United States from its immediate predecessor, and connecting it with the original school founded by Jefferson. Henry Clay—who found himself still in the Speaker's chair of the House, when others of the party, less able, less daring, less useful in former years, had been promoted to offices of state—availed himself of the oversight to play the part of independent member. "His examination of President Monroe's Message," says one admiring biographer, "though perfectly courteous and dignified, was close and severe; and his demonstration of the constitutionality of the proposed system was complete and conclusive."

A committee, to whose consideration the matter was referred, counselled the appropriation of the dividends received by the United States from the shares held in the National Bank, to the objects named; and the votes taken, upon the whole, showed that there was a majority of the representatives who were in favour of such an employment of them. "But those members of Congress, [who were] understood to be more in the confidence of the President, combated the views" both of Clay and of the committee, "and opposed the adoption of any system or measure relating to the subject, at least until the constitution had been properly amended, so as to confer the power." When the current in the legislature—for the Senate debated the matter at the same time, and with a result, on the whole, favourable to the adoption of the resolutions—was seen to be setting strongly in the direction pointed out by Clay, "it was whispered about in the political circles of the capital, that the President would



feel constrained, in conformity with the views and principles he had avowed in his Message, to *veto* any bill of that character [that is to say, framed upon "the views and principles he had avowed in his" inaugural address,] presented to him for his signature, prior to the amendment of the constitution, which he had suggested." So the subject was postponed for the present; but we shall see that it has proved one of those thorns in the side of the government, which could not be removed, nor the smart of it soothed by any kind of policy. How Clay wrested a triumph from it will in due time appear.

Slavery, as a matter of course, was brought before both Houses of Congress. A new law on the subject of fugitive slaves was introduced, and debated with much greater warmth than could have been excited upon any other theme; but, in spite of all the efforts made to secure its passage, its supporters suffered it to drop. And this happened, although there was scarcely a spark of public feeling aroused against the bill in the free states; so that we can only suppose that democracy was making rapid way amongst the opponents of slavery, and that it was thought desirable to attach these converts to the party securely, before contesting any of their special opinions. An Act confirming the former Acts against the foreign slave trade, was likewise passed; and the new department of this hideous branch of commerce,—that, namely, which was carried on between the slave-breeding states and the most southerly portions of the Union,—was discussed in consequence of a petition against the practice of kidnapping free persons of colour, and even citizens of the United States, and selling them as slaves in the south, which nothing but the entire removal of the inducement to such nefarious conduct can remedy.

Out of one of the claims for compensation for losses sustained during the revolutionary struggle, arose a question regarding the privileges of the House. The details are of no importance to us, but the decision of the Supreme Court of the United States on Colonel Anderson's case, determined that both Houses of Congress were competent to punish contempt, by whomsoever committed, with imprisonment. Which decision, it appears, was grounded as much upon the precedents furnished by the British parliament, as upon the right reason of the case.

Congress rose on the 20th of April, 1818, and during the recess, the President visited the towns and coasts of Chesapeake Bay, for the purpose of examining the forts and defences in that quarter, and of selecting a site for a naval depôt. He returned by the interior of Virginia to Washington, about the middle of June; and the legislature re-assembled on the 16th of November.

The President's Message contained nothing of special note in relation to home affairs. The revenue, he said, exceeded the estimates,—there was, in fact, a surplus of two millions,—and was adequate to all the exigencies of the healthy season, with peace at home, and favourable prospects abroad, and with a population rapidly increasing, and spreading even farther over the wide western territories, the United States appeared to Monroe to be "in the full tide of successful experiment."

Foremost amongst the subjects which demanded and received the attention of Congress, was the United States Bank. At this time it appears to have merited the outcry which was generally raised against it; although it cannot be

affirmed that those who were the loudest in condemning it did so honestly and really for the reasons assigned. We have shown, on the occasions on which this matter has come under notice before, that political motives of the very lowest order have always been in the United States operating to the hindrance and injury of the national bank. And in addition to all the perplexities arising from the universal habit of regarding everything in its bearing upon the acquisition of political office and patronage, and of appealing to mere numerical majorities for the final decision of whatever question which could wear a political aspect; in addition to the difficulties occasioned by the general ignorance of the meaning and intent of a bank, and by the complete and disastrous disarrangement of all the monetary affairs of the country, first by the anti-commercial policy of Madison's administration, and afterwards by the war;—that morbid and unappeaseable appetite for speculation—to attacks of which all nations are subject at times, and which has since become almost chronic in America—was most energetically active; so that the institution, to which so many of the most prudent and experienced minds in the whole Union looked as the only means of saving the country, became a very “cesspool of agio.”

At the time when Congress assembled, and Monroe presented his flattering picture of the state of things in the United States generally, the bank was evidently getting into an unsatisfactory condition, and the greatest fears were everywhere entertained in consequence. A committee of inquiry ascertained some of the immediate causes of this, and they require the best attention we can give them.

Two millions of specie being all the real capital which the bank possessed when first set in action for the transaction of business—a sum absurdly insufficient for the purpose—a special agent was sent to England, at a salary of 20,000 dollars, to contract for specie, and between July, 1817, and December, 1818, upwards of 7,250,000 dollars were obtained and imported into the United States. But the cost of this sum was more than 500,000 dollars!

Numerically, as it might have been expected under the then existing circumstances, the speculators who held shares in the bank far exceeded the capitalists, and the former class having thus gained the direction of its operations, they took care to guide them so as to secure advantages and profit for themselves, without regard either to the legitimate object of the establishment of the bank, or the claims of those whose capital, put into the concern, was its only available means of working or subsisting. The particular way in which they employed their power, was the device and perfection of a scheme of stockjobbing in bank shares, the like to which has not often been attempted in agiotage.

“It was agreed to discount the notes of stockholders for the payment of their instalments, upon the pledge of their stock, without any other security; first, at par, and afterwards for 25 per cent. more than the nominal amount, requiring, however, an endorser for the excess. These ‘stock-notes,’ as they were termed, were received indefinitely, at the pleasure of the stockholders.” And, as a necessary and foreseen consequence, “shares were bought without the advance of a cent. An adventurer would engage a certain number of shares, apply to the directors for a loan on the pledge of the stock engaged, and by what was called a ‘simultaneous operation,’ the stock was transferred to him,



pledged to the bank, and the discount made, with the avails of which he paid for his stock: a rise in the market would enable him to sell his stock at an advance, pocket the difference, and commence new operations." As a further consequence, the price of shares rose, till, about the beginning of September, 1817, they reached 156½ dollars per share; and at last, suddenly—soon after Congress had begun to inquire respecting the business, and no doubt because of the inquiry—the bubble burst, and they fell from 156 to 110, and thence to 90 dollars a share; dissipating hundreds of imaginary fortunes, and changing many shareholders in the bank into bankrupts.

"Baltimore was the principal scene of these operations; the management of that branch had fallen almost exclusively into the hands of persons without capital and without principle. Two or three houses, in which some of the directors had an interest, drew from the bank 1,500,000; and the defalcations in the Baltimore branch alone amounted to 1,700,000 dollars—a sum about equal to the aggregate amount of losses at the parent bank and all the other branches."

Nor was this the only way in which this useful institution was injured by these speculations. One of the chief benefits expected from it, for the Union at large, was the creation of a general currency of uniform value, by which the greater part of the evils affecting the business transactions of the country would have been remedied or prevented. And for this purpose it was requisite that bills issued by any particular branch, and, according to their tenour, payable at that branch only, should be received and paid both at the parent bank and all its branches. Until July, 1818, this plan was followed; but most of the enormous quantity of paper emitted in the southern and western states, by the regular course of trade, found its way to the north, and in self-defence the branches were compelled to refuse payment, and then the bank ordered payment of bills at the branches issuing them alone, so that this first attempt to get a uniform currency proved fruitless.

One of the worst features in the whole case was this: some of the most prominent of the directors, both those elected by the shareholders and those nominated by the government, were implicated in these schemes and speculations; and thus the parent bank of Philadelphia itself was induced to imitate the dishonest proceedings at Baltimore, to the injury of Boston and New York; and even the Treasury of the United States conspired against the stability of the branches in the middle and eastern states, by furnishing Baltimore and Philadelphia with large drafts on the public funds at New York and Boston, as a means of reversing the balance in favour of the branches of these last-named places.

After a close investigation of the whole affair, and a report which exposed the real causes of the embarrassments of the bank, the speculating managers resigned, and in January, 1819, a new direction was chosen. Langdon Cheves was placed first on the government list, and appointed president; and under his vigilant control matters assumed a brighter aspect. The stock found its way into the hands of real capitalists, and rose in value to 120 dollars per share. The affairs of the institution were minutely examined, and a careful statement was published, which completely reassured the minds of the share-

holders. The most prudent measures, in borrowing specie, curtailing discounts, arranging the relations of the branches, and prosecuting defaulters, were adopted; and not only was bankruptcy averted, but the establishment, after a short season of uncertainty and unpopularity, began to recover from its losses, and to regain the confidence of the mercantile world.

Congress contributed, as its share in the rehabilitation of the national bank, an Act restricting the votes of any shareholder, whatever the number of his shares might be, and in how many names soever he might hold them, to the chartered limit of thirty. For, in the first instance, the Northerners alone being considered able to take many shares, and the old suspicion of the monarchising designs of the Federalists being far more active in the legislature than any desire effectually to serve or to protect the real interests of trade, it was settled by the charter, that though a single share should confer a single vote, no individual should possess more than thirty votes, whatever the number of his shares might be. The democratic speculators of Baltimore ingeniously evaded the force of this provision, and enhanced their power in the bank, by subscribing (on the "simultaneous operation" plan) for single shares in the names of other people, who gave them powers of attorney to vote for them at the meetings, and charged "*twelve and a half cents*" for the risk entailed by their participation in the fraud!

Internal improvements, in the form of road-making, were brought before Congress in this session, by the report of Calhoun, as secretary of war, on the facilities required for such military operations as the rapid transit and assembling of troops, and the transportation of the *matériel* of war. For, as we might have noticed in respect of several other incidents recorded in this chapter, the possibility of another war with Great Britain does not seem to have been at any time far removed from the speculations of the leaders of the party in power. In this report he said, that he regarded a judicious system of roads and canals, constructed for the convenience of commerce, and the transmission of the mail, alone, without reference to military operations, as amongst the most efficient means of defence; since the same roads and canals would, with few exceptions, be required for these operations; and such a system, by consolidating the Union, and increasing its wealth and fiscal capacity, would greatly add to the resources of war. He also suggested the employment of the regular troops in the construction of some of the lines of communication which he indicated; and Congress so far adopted the suggestion as to appropriate 10,000 dollars for the increase of the pay of the soldiers who should be so employed. Half a million was appropriated also towards the construction of the Cumberland Road, a project with which Clay soon became personally identified.

This session also saw the commencement of a new struggle respecting slavery. It must be kept in mind, that when Jefferson first struck out his scheme for the erection of new states in the ultramontane region, the prohibition of slave-holding in them formed a prominent and characteristic feature in it. Subsequently, as we must remember too, it was agreed that the Ohio should be the northern limit of the slave region. Moreover, in the same spirit which had in so many other remarkable ways shown the distinct understanding



of the original want of unity in the United States, the admissions of new states into the confederation had been of free states and slave-holding states alternately. Our readers may also be reminded, on the other hand, that one of the stipulations respecting the purchase of Louisiana from France, was that the existing *status*, and privileges of its inhabitants, under the dominion of France or Spain, should not be interfered with. A condition which could refer to slavery alone, because the change of the country from a colony dependent on a European monarchy into an independent and sovereign state, did very considerably alter the *status* of all but the enslaved population; and their condition, too, after a time it changed—but much for the worse. With these preliminaries we can now turn to the Missouri Question.

It was in the month of February, 1819, that when the permission for that part of Louisiana, which has since been known as the State of Missouri, to form a constitution, and to ask recognition as an independent sovereignty, was sought of Congress, the question arose, whether a clause prohibiting the future introduction of slaves, and providing for the attainment of freedom by the children of those already there, should not be introduced. The considerations we have stated in the preceding paragraph were vehemently urged on both sides; together with all others customarily resorted to as argumentative weapons, by North and South, in the battle over this peculiar “institution.” The members from the slave states surpassed themselves in that species of oratory which they had made their own. Speeches, almost wholly composed of the most atrocious threats and the vilest accusations, were suffered by Clay to be delivered in resistance of a proposition, which ought to have enlisted the hearty approbation and support of every member of the House. A few endeavoured to compromise the difficulty, and several suggestions were offered for dividing the whole vast region west of the Mississippi in such a manner between the partisans of African thralldom and African liberty, as that the pro-slavery men should have their way (as they always had) on the subject mooted, but that no further question of the same kind should arise—if such men could be brought to hold any obligation, which narrowed the fullest exercise of all they claimed as their personal rights, to be binding on them; and it was one of these which, at a later stage of the business, the Speaker of the House of Representatives, faithful to his instincts, chose to advocate, and carried too, as “the Missouri Compromise.”

In the House these enlightened and philanthropic proposals were carried, in spite of all the menaces of the Southerners, by majorities of about ten, in houses of a hundred and sixty or seventy: but the Senate rejected the anti-slavery clauses, twenty-two voting against sixteen, in favour of the perpetuation of African bondage in Missouri; and as in the House the friends of freedom secured the maintenance of them, though by the pitiful majority of two only, the bill was lost, and the period of tutelage in that district of the Union extended to another session. Contemporaneously with these votes, the question of the restricting the duration of slavery in Arkansas territory was also discussed and voted down in both Houses of Congress. The slavery party on this, having the admissions of their opponents, as well as their own arguments, to employ, in vindication of their view. Little objection, on the ground of state rights, appears to have been advanced by the democratic members, in

these debates; although, if consistent, they ought to have insisted upon the essential incompetence of Congress to legislate upon the domestic affairs of any state.

Matthew Lyon, as our readers all will remember, was that redoubted Vermonter, who ruined an admirably deserved reputation, by his ultra-democratic violence in the House; and who was one of the most illustrious victims of John Adams' "reign of terror," as it was called. He presented to Congress his claim for the reimbursement of the fine of 1,000 dollars, which had been imposed upon him, with several hundred dollars costs, and the interest to the time of his petition, with a compensation for the losses and injuries sustained by his imprisonment, which lasted for some months. "From the peculiar character of this application, it was referred in the Senate to the committee on the judiciary, who reported unfavourably, and the petition was negatived." We do not derive a more exalted opinion of the sagacity of this remarkable democrat, from his venturing to make such an application to the legislature as this. Whatever his services to his party had been, the country assuredly was but little indebted to him.

A few other Acts passed in this session will come beneath our notice when we speak of foreign affairs; of mere routine legislation we do not need to make any mention. The Congress separated on the 3rd of March, 1819.

During the following summer the President visited the southern states, ostensibly with the same objects as those which induced him to make his northern tour. But he did not need to ingratiate himself with his own party, and therefore this journey was, in many respects, essentially different. He returned to Washington early in the month of August.

The sixteenth Congress met for its first session on the 6th of December, 1819, in the new Capitol. Democracy appeared in greater force than ever; and the number of new members was unusually great. Otis and Dana, Federalists, were still found in the Senate; with the Republicans, Dickerson, Barbour, Macon, and Gaillard. Rufus King, whose seat was temporarily vacated, was re-elected in January, 1820; it being now understood that he had definitely forsaken his former principles. The new senators of any note were, William Pinkney, of Maryland, lately ambassador to Russia; Richard M. Johnson, of Kentucky; Walter Lowrie, of Pennsylvania; William R. King, of Alabama; and James Brown, of Louisiana. Sergeant, of Pennsylvania; Shaw, of Massachusetts, and Samuel A. Foot, again appeared in the House; with Morton, Holmes, Taylor, McLean, Smith of Maryland, Philip P. Barbour, Burwell, Floyd, Mercer, John Randolph, Lowndes, Cobb, and Clay. Henry Clay was once more appointed Speaker by an almost unanimous vote.

The chief burden of the Message, which was received on the 7th, was the position of affairs with respect to Spain, of which we shall treat hereafter. The pecuniary embarrassments, which arose from the causes we have spoken of with sufficient fulness already, and which, in spite of the real prosperity of the country, threatened so many classes with ruin, were also dealt with; and Monroe intimated his willingness to go as far as was possible, in consistency with the constitution, to afford them relief. He was also quite in favour of giving further encouragement to domestic manufactures, due regard being paid



to the other great interests of the nation. One very influential reason for these suggestions was the diminution of the receipts at the Treasury, which had followed from the disastrous condition of trade and the currency. They would be no more than twenty-three millions for the year; and the pensions granted to the soldiers of the revolution had made a larger income than ordinary needful; but a considerable surplus was, nevertheless, expected.

Missouri and Maine supplied the great themes of the session. Intense excitement prevailed in every part of the Union, and gave to the discussion of this question all the painful interest which could attach to the possibility of an immediate and embittered dissolution of the confederacy.

"The debates on this subject," writes Calvin Colton, "were protracted, animated, and often in a high degree acrimonious. . . . The speeches were for the most part characterised with strong ingredients of sectional prejudice. There was, however, in the midst of this arena of violent strife one man of truly national feeling; calm, but not indifferent [Henry Clay, a slaveholder], with lofty but dignified and not less anxious port, looking down upon the scene as one of deep and unutterable concern. Often did he rise to hush the tempest, and call back reason to its useful offices. He stood up a mediator between the conflicting parties, imploring, entreating, beseeching. On one occasion, during these debates, Mr. Clay spoke four hours and a half; pouring forth an uninterrupted and glowing torrent of his thoughts and feelings, with captivating and convincing power."

"With all his power," says another biographer, he "urged the admission, on the ground that to Missouri alone belonged the subject of her domestic slavery; declaring, at the same time, that so great was his detestation of the system, were he a citizen of that state, he would never consent to a state constitution which should not provide for its extinction. Above all things he urged conciliation and compromise; for the safety of the Union was threatened, and its stability he deemed of paramount importance. A compromise, through his exertions, was finally effected: committees of conference were appointed, and an Act was passed," assenting to the petition of Missouri, by thirty votes against fifteen in the Senate; and by a hundred and thirty-four in the Representatives against forty-two; thirty-five of these being southern men.

It was the 6th of March, 1820, when this bill became law; the bill for admitting Maine was signed three days earlier. Senator Benton, of Missouri, looking back to this point over the interval of "thirty years," avers,—“This was all clear gain to the anti-slavery side of the question, and was done under the lead of the united slave vote in the Senate, the majority of that vote in the House of Representatives, and the undivided sanction of a southern administration. It was a southern measure, and divided free and slave soil far more favourably to the North than the ordinance of 1787. That divided about equally; this of 1820 gave about all to the North. It abolished slavery over an immense extent of territory where it might then legally exist,—over nearly the whole of Louisiana,—left it only in Florida and Arkansas territory, and opened no new territory to its existence [the plain fact being that all the territory south of the parallel of 36° 30' north latitude, except the State of Missouri was given up “for ever” to slavery]. It was an immense concession to the non-slave-holding

states; but the genius of slavery agitation was not laid," as we shall in time discover.

From this period the relations of the Union, and of the states severally, to this question of slavery were changed. It had been one of subordinate interest to such as those of state-sovereignty *versus* national-sovereignty, now it constituted a broad and impassable line of distinction between the north and south.

After a laborious session, Congress adjourned on the 12th of May, 1820.

Previous to the adjournment, Smith, of Maryland, summoned a Congressional caucus, for the nomination of candidates for the offices of President and Vice-President at the next election. But so entirely were the angry passions of parties stilled, or so well had the Federalists been routed, that no meeting could be got together, and the re-election of Monroe and Tompkins was treated by all classes as already settled. In fact, there was now no party opposing the administration upon Federalist principles; Boston itself joined the President's side by "pronouncing" in favour of what is designated "the Washington-Monroe policy." But at the same time the most rancorous anti-Federalists found that their occupation too was gone; and in vain did they complain that the spirit of the early days of democratic triumphs was dead. In the consolidation of the victory of American democracy, the most vehement of the successful combatants found themselves as complete *passés* as were those of the vanquished, and nothing remained for the *ultras* of both sides, but to wait until some shift in the posture of affairs should give them an opportunity of returning to the fight with happier omens.

There is an extensive class of events, or rather of public incidents, which, although they find fitting place in the annals of nations, cannot in general, with any propriety, be introduced into history. Nevertheless, it will happen at times that a wide view of the spirit of an age, or the manners of the people, is afforded by some one of these non-historical facts. From the archives of anecdote and biography we therefore borrow the following lamentable story.

When Commodore Barron, of the Chesapeake, suffered his vessel to be attacked by the *Leopard*, without making so much as the semblance of a defence, he was first of all censured by a court of inquiry. A court-martial was afterwards held, and Commodore Decatur sat as one of the members, although he had begged to be excused on the ground that he had both formed and expressed an opinion unfavourable to the prisoner. Barron was sentenced to suspension for five years, for neglect of duty and unofficer-like conduct. He imputed the severity of this sentence, in good part, to the influence of Decatur, and retired to France, where he remained till the close of the war. The government granted half-pay to his family, but did not encourage him in his desire to be employed again. Yet, after his return, he claimed his former position, and solicited the command of the *Columbus*, which was refused him; Decatur expressing an unfavourable opinion, to which Barron ascribed his failure.

His mortification at being thus, as he imagined, a second time injured by the same man, was greatly increased by hearing that Decatur had somewhere said, that he could insult him with impunity. But he was assured by Decatur, whom he addressed very fiercely on the subject, that he was mistaken; and after a while he seemed to be satisfied. This was in June, 1819; in October a second



and more angry correspondence commenced. Misled by baseless rumours, Barron endeavoured to force upon Decatur the responsibility of having challenged him to a duel; and at last himself sent a challenge to Decatur. On the 22nd of March, 1820, they met at Bladensburg; where Barron was severely wounded, and Decatur was killed. Congress honoured his funeral by an adjournment, and the President, with the heads of departments, the foreign ministers, the members of the legislature, and a great concourse of citizens attended his body to the grave, by this means expressing their sense of the loss which in him their country had sustained. And this was the only notice that was publicly taken of this atrocious murder. Not a single member of all the branches of either Federal or state governments took official cognisance of it; and the rules of the service and the decencies of society were suffered to be outraged with impunity.

In the month of August, 1820, the fourth census of the United States was taken; by which it appeared that there were of free white males, under sixteen years of age, 1,957,755; between sixteen and forty-five, 1,542,233; over forty-five, 495,065;—of free white females, under sixteen, 1,885,898; between sixteen and forty-five, 1,517,971; above forty-five, 462,788;—of free coloured persons, 233,530;—and of slaves, 1,538,128 (but another account lessens the number by 64);—"all other persons except Indians not taxed," amounting to 4,631. The grand total was, 9,637,999; or 9,638,131; or, as another statement has it, 9,708,135. Several additional returns were required by the Act of Congress which made arrangements for this census. Of foreigners not naturalised, it appeared, there were 53,687 in the States. The number of persons engaged in commerce was 72,493; in manufactures, 349,506; and in agriculture, 2,070,646.

Subsequent statisticians have furnished us with another matter for consideration, derived from the results of this census, which is of so much importance that we insert it here. The increase per cent. in the ten years between 1810 and 1820, in the non-slave-holding states, on the Atlantic sea-board, was twenty-two; that of the slave-holding states, in the same region, was only five and a third;—in the west, the free states had increased in this period at the rate of a hundred and two per cent., the slave states, at less than fifty-five. The decennial increase in 1820, in all the slave states was twenty-nine and one-third per cent., in all the free states, it was thirty-seven and a third. And, lastly, whilst the old Atlantic states had increased only at the rate of twenty and less than half per cent., the western states had increased at above a hundred and eight per cent.

Congress reassembled on November the 13th, 1820; and the most exciting incident, marking the opening of the session, was the election of a successor in the Speaker's chair to Henry Clay, whose professional engagements disabled him from continuing to hold the post of honour. Three candidates were put forward—Smith, of Maryland; Lowndes, of South Carolina; and Taylor, of New York. Sergeant of Pennsylvania was also nominated, but his supporters were too few to entitle him to more than a bare mention in connection with this warm contest. For three days the balloting was continued. Five several times was a majority, though not sufficient for the victory, secured by Taylor, on the second day; while Lowndes enjoyed the same fruitless triumph four

times, and Smith three times. At length, the northern men united their votes, and carried the New York candidate, at the twenty-second balloting, by an actual majority of two votes only, over Lowndes.

The President, in his Message, thus described the condition of the country.

"The revenue," he said, with an amount of truth remarkable in a state paper, "depends on the resources of the country, and the facility by which the amount required is raised, is a strong proof of the extent of the resources and of the efficiency of the government." And then he drew a contrast between the amount of the United States' debt on the 30th of September, 1815, namely (when all that could by any means be brought into it was included), 158,713,049 dollars; and the amount of the debt on the 30th of the September preceding the date of his Message—91,193,883 dollars; 66,879,165 dollars having been paid off in the interval of five years. And this was in addition to the discharge of all the other obligations of the government, as well extraordinary as ordinary.

"By the discharge," said he, "of so large a portion of the public debt, and the execution of such extensive and important operations in so short a time, a just estimate may be formed of the great extent of our national resources. The demonstration is the more complete and gratifying, when it is recollected that the direct tax and excise were repealed soon after the termination of the late war, and that the revenue applied to these purposes has been derived almost wholly from other sources." This was, as one annalist states, "a very pleasing picture of the affairs of the nation;" but momentous omissions are very noticeable in it, by which its truth and, in consequence, its historical value are greatly diminished.

On the second day of the session, the President communicated to Congress a copy of the constitution of the State of Missouri, which had been framed during the recess. In each House it was referred to a committee for examination, before the course of action should be determined. Little difficulty, in all probability, would have been made, respecting the final admission of this state into the Union, had not a clause been inserted in its polity, prohibiting free persons of colour from so much as entering the state, "under any pretext whatsoever." This clause revived the discussion with all its former acrimony, and the triumph of the advocates of the compromise seemed in danger of being lost. The committees, indeed, reported in favour of sanctioning the constitution, notwithstanding the objectionable clause; and the Senate, after an animated debate, adopted the requisite resolution for admitting Missouri into the confederation.

But this example was not followed by the House of Representatives. There, the scheme by which the admission had been carried in the Senate proved wholly unsatisfactory; the first attempt to carry a resolution of the same tenor, of which Lowndes was the author, failed immediately; although many of the northern men, who had voted for the compromise, remained faithful to their implied engagement. Another resolution was then proposed, calling upon Missouri to expunge that clause, as contrary to the constitution of the United States, by a certain day, and then to be admitted into the Union. But this was rejected by a large majority, and then Henry Clay rose—he had been



absent from Congress during the first part of the session—and once more poured oil upon the troubled waters. He moved the appointment of a select committee of thirteen, to consider the resolution of the Senate and to report thereon.

This time the skill of the orator of Kentucky proved unequal to the task he had undertaken. Notwithstanding the care with which “he consulted the feelings of both parties,” in constructing the resolution which he reported—notwithstanding the feeling and power of his speeches, which not unfrequently “drew tears from the hearts” of his hearers, and the prophetic tone with which he besought the legislators to consider what they owed to their country, the resolution was thrown out by two votings, and when brought up for reconsideration, was again lost. The position was indeed most critical. The next day after the reconsideration of this vote was the time appointed for the public counting of the votes for President and Vice-President; and it was known that Missouri, with that regard to constitutional form which was peculiarly democratic, intended to present its vote, and to claim that it should be counted.

In anticipation of the effervescence which this would certainly occasion, it had been arranged, in spite of the objection of John Randolph—who contended that the informality would vitiate the election—that the Vice-President should, in case of a challenge, announce the votes, first with that of Missouri, and next without it, to show that whether this vote were counted or not, the result would be the same. As had been feared, the scene was one of the greatest turbulence and excitement, until at length the Senate withdrew in a body, leaving the representatives wrangling with each other, in a state of tumult and confusion which very few legislative bodies have ever suffered themselves to be betrayed into. After an hour spent in proposing the most contradictory motions, and in shouts of “Missouri is not a State,” and “Missouri is a State,” Clay succeeded in procuring a vote, inviting the Senate to return and complete the duty of counting the votes. The Senate accordingly came back, the vote of Missouri was again declared, and the result was announced, first with, and then without, the vote, it being in both cases the same. To crown the disorder of the day, after the Senate had left again, John Randolph proposed a resolution declaring the whole formality invalid, and the House immediately adjourned.

We may here for a moment interrupt this narrative, to record the result of the presidential election. The whole of the votes of all the states excepting one from Massachusetts, idly bestowed upon John Quincy Adams, were given to Monroe for the presidency. The total number was two hundred and thirty-one. Tompkins received, for the vice-presidency, two hundred and eighteen votes, including those of all the states, except New Hampshire, Massachusetts, Delaware, and Maryland. Massachusetts gave eight of its votes to Stockton; Delaware gave all its votes, four in number, to Rodney; Rush received one from New Hampshire; and Harper one from Maryland. The votes of Missouri were not counted.

Congress and the country, too, were now wearied out by the Missouri question, the principles involved in it had also been sacrificed in the “compromise,” so that this renewed debate was, on all sides, felt to be superfluous. Perceiving this, Henry Clay proposed a joint committee of the two Houses to

determine what should be done ; and this being accepted by large majorities, twenty-three representatives, and seven senators, were selected for the purpose. The result of the conference of this joint committee was the report of a resolution in favour of the admission of the state, provided that its legislature should first declare that the clause which occasioned all this debate should never be construed to authorise the passage of an Act by which any citizen of the United States should be debarred from the enjoyment of all the privileges guaranteed to him by the constitution. This second " compromise " passed the House, on the 26th of February, by a vote of eighty-six against eighty-two ; two days later the Senate concurred in it, by a vote of twenty-eight against fourteen ; and on the 2nd of March, Monroe " approved " and signed it.

So ended at length this " distracting " and mischievous contest. On the side of the slave-holding states the object aimed at was manifest ; but their antagonists at first put on an appearance of zealous philanthropy, which (as a recent historian remarks) was even less genuine than the regard for " sailors' rights," professed by the southern and western states in the second war. As Rufus King avowed, the northern men contended for political superiority in the Union ; their willingness to accept a " compromise " demonstrated this ; and it is here, rather than in the fierce propagandism of thralldom displayed by the slave states, that we discover the most hopeless element in this great and profoundly interesting question.

Brief as this session was, and in spite of its bringing both executive and legislature to the term of their offices, there was another business, of a more pressing nature than the Missouri controversy itself, to dispose of. Monroe's brilliant statements of financial prosperity, always contradicted practically by the commercial distress of the country, at length were refuted by the embarrassment of the Treasury itself. The loan of the session preceding would not have helped the secretary to the end of the year, had not some of the public creditors been forbearing. And it now became necessary to devise means for realising the magnificent programme, which the President had published at the commencement of the administration. Great was the difficulty and the danger. Government could not reimpose the internal taxes and retain its popularity ; it could not brave the consequences of the falling off in the revenue. Nor durst it adopt the only sure method of securing a remunerative duty on imports—that of lowering the imposts upon all things in general demand—even if it had the sagacity to perceive this most momentous financial principle.

A new loan was the first device, and one of five millions was, on Crawford's recommendation, authorised. But this, without retrenchments, was insufficient. The reduction of the salaries of the executive and legislative departments of the government was proposed ; but such a sacrifice, for the deliverance of the Secretary of the Treasury, was greater than could have been expected. The only thing done in this direction was the abolition of a clerkship in the office of the Attorney-general, which saved the nation 800 dollars a year ; and that was regarded as a gain. The army could, however, be reduced. As we have remarked, in passing, the possibility of a renewal of the war with Britain lurked still in many ardent minds ; and in addition to that, military glory, won so easily at New Orleans, had not a little fascinated the spirits of



the people. The officers of the army would, of course, resist the disbanding of it. But whatever the feelings were which had saved the military establishment, want of money made it absolutely necessary to disregard them, and four thousand out of the ten which had been left when the war was over, were now dismissed to pacific and productive labour. Several of the officers resigned, and no more were retained than the actual strength of the regiments required.

Half the annual appropriation for the maintenance of the navy was withdrawn; and the sums devoted to the construction and armament of fortifications were similarly reduced. The measures did not evince any particular financial ability, but for the time they promised relief: and the real solution of the difficulties was left, as it generally is, to time, and the successors of the actual office-bearer.

Measures of relief for the public lands' debtors were adopted, as Monroe had suggested, by which 23,000,000 of dollars, owing to the government, were extinguished, or in good part sacrificed; but the sales for the future were rendered *bond fide*, and fresh inducements were provided for both settlers and speculators of the honourable sort. A motion in the Senate to declare John Adams' Sedition Law of 1798 unconstitutional, and to repay the fines incurred under it, was lost—Congress thus affirming the authority of the Federal Courts. Propositions to establish a national system of education, by means of the revenue arising from the land sales, and for prohibiting the payment of government demands in bills of state banks, which issued notes of less than five dollars, were also rejected, and by decisive majorities. On the 3rd of March the session closed.

The second inauguration of Monroe took place on the 5th of March, the 4th being Sunday. The usual ceremonies were observed; and the address was a business-like recital of the principal incidents of his administration, and indication of the resources of the country. The fortification of the sea-coast, and the augmentation of the navy; neutrality with regard to the revolutionary contests in South America, and the removal of the Indians westward—an equivalent for their lands being given in instruction, government, and sustenance, even;—such were the chief measures of a practical nature which the address proposed.

On the 3rd of December, 1821, the seventeenth Congress commenced its first session. Amongst the senators chosen now for the first time were—Southard, of New Jersey; Martin Van Buren, of New York; Thomas H. Benton, of Missouri; and Cæsar A. Rodney, of Delaware;—few of the leaders in the preceding Congress were removed. The most prominent Federalist of those now first seen in the House of Representatives, was Henry W. Dwight, of Massachusetts;—on the other side were seen Cambreleng, Cadwallader C. Colden, William B. Rochester, and Reuben H. Walworth, of New York; Robert Wright, of Maryland; Romulus M. Saunders, of North Carolina; and Joel R. Poinsett, of South Carolina. Taylor, Sergeant, Eustis, Mallary, Edwards, M'Lean, S. Smith, Mercer, Floyd, Philip P. Barbour, Nelson, John Randolph, and Lowndes, were elected again. Henry Clay was not a member of this Congress. The candidates for the Speakership were, Taylor, the former Speaker; Barbour, of Virginia; Smith, of Maryland; and Rodney and M'Lean.

of Delaware. The election was determined by the anti-Protectionists, who, on the twelfth balloting, carried Barbour, but by a small majority.

The Message, sent on the 5th of December, presented a more hopeful picture of affairs, showing that there was a surplus in hand, by the help of the loan; but it recommended a moderate additional duty on certain articles, for the purpose of securing an increase of revenue. Its communication respecting foreign relations will come before us in another chapter.

Acts of Congress affecting particular states, we, according to our usual plan, reserve till we speak of those states specially; and so with regard to those bearing on the foreign relations of the Union, we remand them to the chapter devoted to that subject. Apart from these, the greatest interest of the session centres in certain bills which did not become laws. Thus, the attempt to establish a general bankruptcy-law was renewed, and once more failed. There were various laws on bankruptcy in force in the states severally; but they, of course, could not affect the citizens of the Union generally; and some law which would be of universal application was greatly needed. The arguments adduced in opposition to the plan now proposed, reduced to their real value, merely establish these facts—that the former bankruptcy-law, passed in the last year of John Adams' administration, was of a Federalist complexion, and in good part copied from the laws in force in Britain; and that the chief use of such a law would be to protect the northern against the southern men; and as a natural result, the bill was rejected.

During this session it was plain that the new parties, or sections which might coalesce into new parties, were gradually collecting. The question of protection divided the politicians of the Union by perfectly new lines; and it was the same with the right of Congress to superintend internal improvements. And since the greater number of the Federalists had been absorbed into the democratic body, it was only by schism in this body that new parties could be formed. The prospect of another presidential election, remote as it was, had called forth no fewer than six candidates—John Quincy Adams, who was the "successor" according to the precedent established in the cases of Madison and Monroe; Andrew Jackson, whose undoubted democracy added to the triumph at New Orleans made him the popular candidate; Henry Clay, whose high standing as a diplomatist and in Congress justified his claims to the first office in the nation; William H. Crawford, William Lowndes (who died in the year 1822), and John C. Calhoun, who represented sectional feelings and personal or local politics, rather than party preference or national renown. Adams, by virtue of his name alone; Clay, by reason of the Federalism of his policy and as an opponent of the new democratic party, received the support of the Federalists or of those who had been Federalists. Jackson received that of the democrats universally. It was also observed that New England rallied round Adams, not unnaturally nor unwisely; the south mostly affected Crawford and Calhoun; while Jackson and Clay divided the supremacy of the states beyond the mountains. Most remarkably, the rivals were all members of the old Republican or democratic party. The candidates for the vice-presidency were not so early in the field.

Leaving these high contests, we note the reassembling of Congress, on the



2nd of December, 1822, for the short session terminating its constitutional existence. On the 4th they received the Message, which has thus been described:—"It presented a promising aspect of the foreign and domestic affairs of the nation. It contained nothing of any great interest, because nothing had happened. It recommended no important measure, because none was deemed necessary." The receipts from customs during the year, it said, would probably amount to 23,000,000 dollars. The fostering of manufactures, but with great caution in respect of changes in existing enactments, was very safely recommended; and the reasons for rejecting the bill concerning the Cumberland Road were repeated.

Few Acts of note were passed in the session, thus tamely introduced, nor was any stirring political question obtruded upon the attention of the legislature. Government proceeded with the tranquillity which characterises a period of general prosperity, or one in which the energies of the people are stagnant. No increase of the duty on woollen goods could be effected; nor could imprisonment for debt be abolished; neither were the proposals to survey various canal routes (chiefly in the north) received; but an appropriation for the repair of the Cumberland Road passed, and received Monroe's signature, as he had intimated his willingness to co-operate to this extent in the cause of internal improvements,—the right of exercising jurisdiction and sovereignty on the route not being assumed by the Federal government.

One question of a peculiar nature came before Congress,—the state of the Vice-President's accounts. In accordance with a bill passed in the preceding session, the payment of his salary was suspended, as it appeared that he was in arrear in respect of the payments due by him to the Treasury. He had, in fact, become involved in his private affairs in consequence of advances he had made for the defence of New York in the late war, and of default in the payment of public moneys by his subordinate agents. In the trial before the Circuit Court, however, he claimed to be in advance in his account with government, to the amount of nearly 136,800 dollars: and a committee of the House of Representatives, who investigated the circumstances of the case, reported a sum of 35,190 dollars actually due to him; the payment of his salary was, therefore, resumed, and the arrears due to him paid. "He had performed," said the partial judges, "all that was required, and more than was promised or expected."

Congress broke up on the 3rd of March, 1823, and the eighteenth Congress met for business on the 1st of the following December. The pending contest for the presidency exercised, as was to be expected, considerable influence in the elections to the House of Representatives; for it was expected that, in consequence of the number of candidates, that branch of the legislature would in the end be charged with the choice of the executive, and the friends of the various aspirants exerted themselves to the utmost to secure a return favourable to their hopes.

In the Senate there still sat, Rufus King, Van Buren, Southard, Dickerson, Lowrie, S. Smith, J. Barbour, Macon, W. R. King, and Benton. John Branch, of North Carolina; Robert Y. Hayne, of South Carolina; and Andrew Jackson, of Tennessee, were conspicuous amongst the newly-appointed senators. The representatives whom we have mentioned again and again as

retaining their seats in the House, were almost all found there now. Henry Clay was returned for Kentucky once more; Daniel Webster took his seat again, but it was for Massachusetts now; and there were also sent for the first time to this Congress, Samuel A. Foot, John Forsyth, William C. River, and Edward Livingston. As was customary, the first trial of strength took place on the election of a Speaker; and the predominant influence of Clay was manifest, when he was returned at the first ballot by a majority of nearly a hundred over Philip P. Barbour.

The Message, sent on the next day after the meeting, dealt with some interesting questions on foreign affairs, which will come before us in due time;—it represented the finances as in a highly favourable condition,—promising a surplus of 9,000,000 dollars by the end of the year;—and advised a revision of the tariff, for the especial purpose of protecting American manufactures, and as a means of increasing the national prosperity. It also recommended the construction of a canal to connect the Chesapeake and the Ohio, as a great national work,—provided the jurisdiction were left in the hands of the states through which the canal should pass.

Most of the attention of Congress was given to the revision of the tariff, according to the President's recommendation. The expectation appears to have been entertained, that the system of imposts might be so arranged as to afford full protection to American industry, "counteract the impositions of other nations," and operate equally upon all classes and sections of the Union. Many of the members, it is alleged, advocated "the Utopian principle" of leaving trade to protect itself; but this, in the present acceptation of the term, free trade, seems scarcely credible. "The agricultural and manufacturing interests in the east and the west were united in support of the principle of a protecting tariff, and constituted a small majority in both Houses. The commercial and navigating interests of the North, joined with the large planters of the South [they also were agriculturists, but no amount of "protection" could render the United States as good a market for their produce as England was; and hence their remarkable alliance with the un-democratic North], constituted a powerful, intelligent, and persevering minority, opposed to any tariff except for purposes of revenue." This sectional division helped not a little in determining one of the new parties, which were now germinating,—the Whigs.

For ten tedious weeks was this question debated; and finally the bill passed the representatives by a majority of five, which might have been less, for two members were absent; and the Senate accepted it, but amended its details considerably, the majority there being but four. So zealous was the "voting" in the House, "that several members were brought in upon their sick couches." Henry Clay was the leader of the protectionists; on the other side appeared Daniel Webster. The arguments of the former are too diffuse for us either to quote or to condense them.

On the first Monday in December, 1824, the 6th of the month, Congress assembled for the closing session of both administration and legislature. The Message was, as we might have anticipated, a self-laudatory review of the eight years then terminating; of which the extinction of some thirty-seven millions of debt appears to us to be the best part. How new states had



been formed and admitted to the Union, and the population had "rapidly increased;" how the government had gained in strength and stability, and the prosperity of the whole Union advanced so greatly, as almost to obliterate the traces of the war, we do not need to hear. Neither does it come to us a new fact, that the old parties were quite defunct, and that, Phœnix-like, from their ashes new distinctions had arisen,—though the words of the annalist, abridging the expressions of the President in characterisation of these distinctions, are new, as verging upon the excess of candour,—“growing out of attachments to, and expectations of office from, rival candidates for the presidency.”

The three months of this session were almost a void, in respect of legislation. Very soon after the commencement, the result of the voting in the colleges was known, and then the canvass of the representatives began; all men looking forward with a constantly intensifying excitement to the 9th of the next February, when the real choice must be made. In this state of things, little regular business could be done; the post-office was regulated, and the drawback on goods re-exported was arranged (without regard to Jefferson's denunciations of the entire system), the punishment of certain crimes against the United States was determined, and the appropriations required for carrying on the government, and extending the Cumberland Road, were made. Johnson could not succeed in carrying his bill for abolishing imprisonment for debt: nor could Rufus King persuade the Senate to adopt his scheme for emancipating the coloured races of the United States.

One word, in passing, we must bestow upon this well-intentioned, though not well-devised, scheme. It was proposed to apply the proceeds of the sale of public lands, after paying off the national debt, to the ransom of slaves, and the removal of free persons of colour somewhere beyond the limits of the United States. This would not have interfered with the laws and usages of any of the slave states, it is true, and it would have accorded with one of their most inveterate principles; but it would have pledged the Federal government against slavery, and neither the North nor the South cared to see this done. There would soon have been discovered most serious practical difficulties in the way of carrying out the provisions of such a scheme. Only in a government like that of Great Britain could a compensation which should satisfy the expectations of the slave-owners, be voted as a condition of the release of their thralls. It could have proved in the end only the creation of a more profitable market for the peculiar produce of the slave-breeding states. This attempt demonstrated the incapability of the Federal government to deal with this question, intensely vital though it was to the Union at large,—an incapability which resulted from that fundamental “compromise” of the Constituent Convention, whereby the adoption of the constitution was thought to have been secured. We do not discuss this subject now; in other places we shall find more appropriate occasions for presenting such observations, as the riddance of America from so foul and baleful an incubus as slavery seems to us to demand.

Jackson, Adams, Crawford, and Clay were the candidates now before the nation; but, from circumstances, the first two were the only real competitors. The result of the vote of the electoral colleges was,—for Andrew Jackson as President, all the votes of New Jersey, Pennsylvania, the Carolinas, Alabama,

Mississippi, Tennessee, Indiana, with one from New York, seven from Maryland, three from Louisiana, and two from Illinois, ninety-nine in all;—for John Quincy Adams, all the votes of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, with twenty-six from New York, one from Delaware, three from Maryland, two from Louisiana, and one from Illinois, in all, eighty-four;—for William H. Crawford, all the votes of Virginia and Georgia, with five from New York, two from Delaware, and one from Maryland, in all forty-one;—and for Henry Clay all the votes of Kentucky, Ohio, and Missouri, with four from New York, thirty-seven in all. There were two hundred and sixty-one votes to be given, and therefore an absolute majority would have been one hundred and thirty-one, which none of the candidates received; and in consequence no election was made.

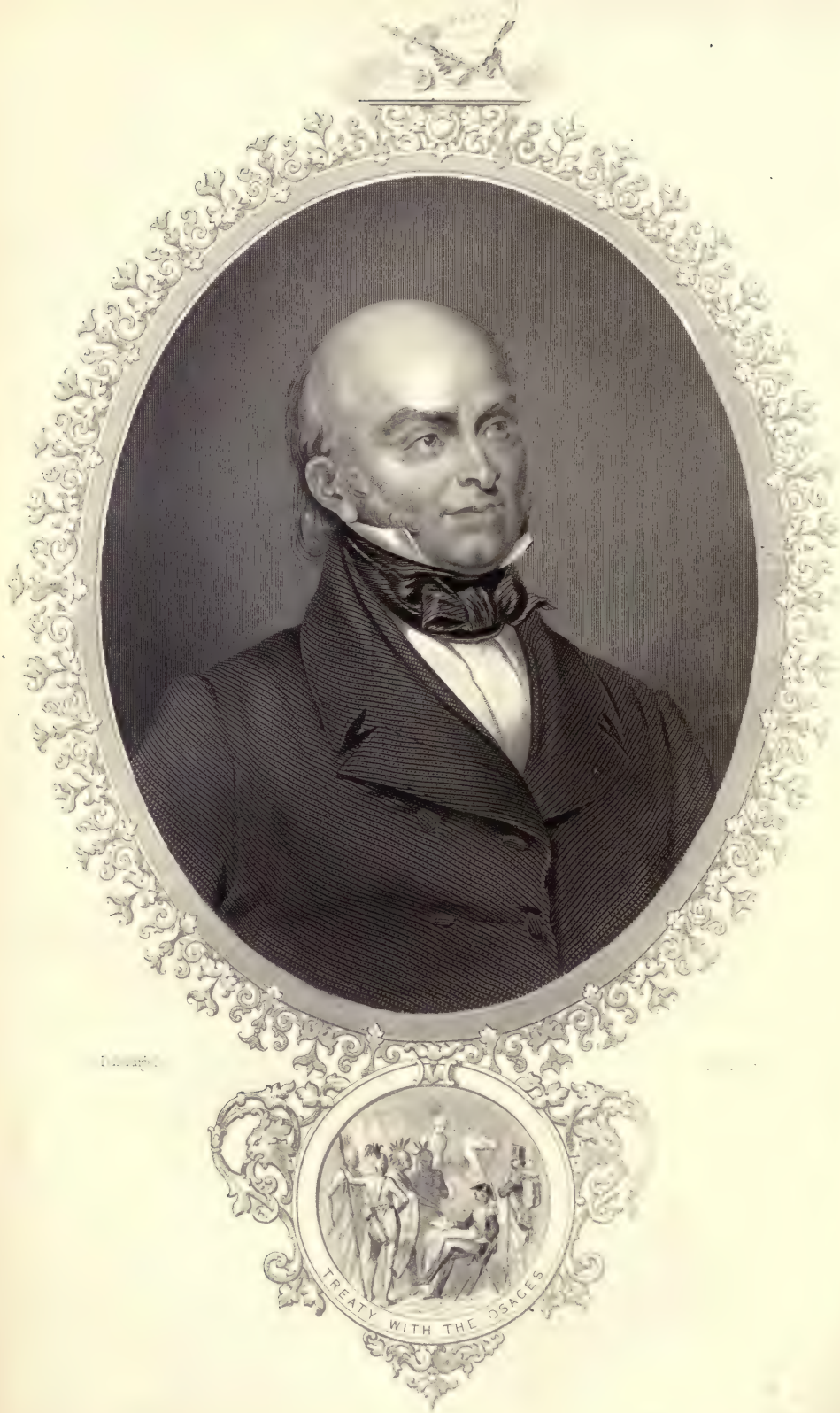
For the vice-presidency, John C. Calhoun received the entire vote of Maine, Vermont, Massachusetts, Rhode Island, New Jersey, Pennsylvania, the Carolinas, Alabama, Mississippi, Louisiana, Tennessee, Indiana, and Illinois, with seven from New Hampshire, twenty-nine from New York, one from Delaware, two from Maryland, and seven from Kentucky; a hundred and eighty-two in all;—Nathan Sanford received all the votes of Ohio, with seven from New York, and as many from Kentucky, in all thirty;—all the votes of Virginia, twenty-four in number, were given for Nathaniel Macon;—all the votes of Connecticut and Missouri, with one each from New Hampshire and Maryland, thirteen in all, were given for Andrew Jackson;—the nine votes of Georgia were bestowed on Martin Van Buren;—and Henry Clay received two from Delaware. Thus Calhoun became Vice-President; and, as Senator Benton observes, although a southern man and a slave-holder, he “was indebted to northern men and non-slave-holders, for the honourable distinction of an election in the electoral colleges,—the only one in the electoral colleges,—the only one on all the lists of presidential and vice-presidential candidates who had that honour.”

The canvass in the House was marked by the usual electioneering devices, the details of which need not now delay us; but we may state that Henry Clay, finding his own election impossible, and considering his prospects at the next vacancy to be better served by the return of Adams now, threw all his weight into his scale. In consequence of this, an accusation of corruption was brought forward in a newspaper against Henry Clay, which he (unwisely, as it appeared to most of his friends) raised into importance, by taking notice of it in the House. Eventually the matter was dropped, but only to be resumed in a more serious manner on a future opportunity.

On the 9th of February, the results of the election were declared officially in the House of Representatives, and the provisions of the constitution for such a contingency were immediately obeyed, by the House proceeding to choose one of the three who received the greatest number of votes, to be President. On the first ballot, thirteen states gave their votes to John Quincy Adams; Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Louisiana, Kentucky, Ohio, Illinois, and Missouri;—seven for Jackson; New Jersey, Pennsylvania, South Carolina, Alabama, Mississippi, Tennessee, and Indiana;—and only four for Crawford; Delaware, Virginia, North Carolina,







John Quincy Adams.



and Georgia. John Quincy Adams was thus elected President. Of individual votes of representatives, he received eighty-seven; seventy-one were given to Jackson, and fifty-four to Crawford. And there have been those who contend that, rightly computed, namely, by the simple scheme of shifting a few of the votes from Jackson's list into that of John Quincy Adams,—there was a clear majority in favour of the latter, in the original vote of the colleges! On the other hand, Senator Benton, on etymological grounds (for he insists much on "the principle *demos krates*,") contends that how constitutional soever, this election by the House of Representatives was a thing of naught. Notwithstanding all which opinions, on the 4th of March, 1825, as the next chapter declares, John Quincy Adams assumed the presidential office, and that by virtue of the vote of the House.

It was a happy thing for Monroe that his presidency fell in peaceful times; there was no severe test applied to his executive faculty. With the routine of administration he was perfectly familiar; and he had at the head of two of the departments of the government, men of reliable judgment and ability. His principle was evidently to let things alone, as far as possible; and just so far as he was able to carry out this *fainéant* policy, the country prospered; and the praise and gratitude for what was the natural fruit of the circumstances and character of the people, were given to him. He has also had attributed him the praise of having, by his judicious gentleness, completely obliterated the former fiercely-contested lines of party; but it must be remembered, that the fundamental distinction of party could not be obliterated, and that the minor points in dispute had, by mere lapse of time, passed out of view, so that here also circumstances very remarkably favoured Monroe's unenthusiastic tactics. In the time of his immediate successors was seen most plainly the real worth of his administration to the commercial prosperity and the domestic peace of the United States.

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## CHAPTER II.

PROGRESS OF THE UNION UNDER JOHN QUINCY ADAMS' PRESIDENCY.—THE "GREAT CONSPIRACY."—THE OPPOSITION AND THEIR TACTICS.—VISIT OF LA FAYETTE.—PROPOSED AMENDMENTS TO THE CONSTITUTION.—EXECUTIVE PATRONAGE, AND PLACEMENT.—THE JUBILEE OF THE DECLARATION OF INDEPENDENCE.—DEBATES IN CONGRESS.—PROTECTION.—GENERAL JACKSON ELECTED PRESIDENT.—PROCEEDINGS OF THE SENATE.—SUMMARY OF ADAMS' CHARACTER.

NOTHING in history so astonishes the inexperienced student as the vitality of party. It is exactly a quarter of a century since the *experimentum crucis*, as we termed it, was applied to the party system denominated Federalism; whereby was conclusively demonstrated its entire incapability of serving as a practical political symbol, or creed, to the people of the United States. Yet it is not until the period we have now reached, that we can decisively say, Federalism is

dead. The truth in respect of all symbols is, that so long as any number of men can agree to work, or to fight, under them, however monstrous, anachronistic, effete, or puerile they may be, they cannot die. Nay, so long as any one man can find in such a symbol the expression of his ideal, for any department of his moral being, it must live. Federalism, such as it was apprehended, advocated, and carried into practice by Washington and Hamilton, by New England and "the Essex Junto," was now at length proved, to the satisfaction of all, unfit to be either sign or watchword for any political party in the United States, and so it perished—tranquilly, decently, veiling the loss of its vigorous powers and original energy by calling itself "the Washington-Monroe policy." It did a good work in its prime, and was not wholly unserviceable in its declining years, but, like all other mortal things, its allotted term was run, and in its feebleness it confounded eternal distinctions—peace be to it—and to the memory of the great and good men who once gloried in being called by its name.

The inauguration of the second Adams, as President of the United States, took place on the 4th of March, 1825. Governor Seward, or the "able writer," who completed his biography of John Quincy Adams, expatiates fondly on the "splendid and imposing" scene; but we must very briefly tell our story of the ceremonial, and leave entirely to our readers the filling up of our meagre outline, with escorts of horse and foot, civilians and military of all grades, judges and ambassadors, and the invariable accompaniment of such spectacles, "a splendid array of beauty and fashion." Monroe was present, and now obtained the epithet "venerable." The President elect, it is especially noted, wore "a plain suit of black, and made entirely of American manufactures." When all were duly marshalled in the House of Representatives, first came the reading of the inaugural address; next the oath, with its response of artillery-salvos; and then the "congratulations." "General Jackson," says our authority, "was among the earliest of those who took the hand of the President; and their looks and deportment towards each other were a rebuke to that littleness of party spirit, which can see no merit in a rival, and feel no joy in the honour of a competitor." Finally, there was the "inaugural ball."

A eulogy of the constitution, "that revered instrument," opened the address, and all the fruits of the expansive energy which had its special home in the Transatlantic Republic were ascribed to it. At the same time, it was admitted "that this picture had its shades." "We have suffered," said the new President, "sometimes by the visitation of Heaven through disease; often by the wrongs and injustice of other nations, even to the extremities of war; and lastly, by dissensions among ourselves—dissensions, perhaps inseparable from the enjoyment of freedom, but which have more than once appeared to threaten the dissolution of the Union, and with it, the overthrow of all the enjoyments of our present lot, and all our earthly hopes of the future. The causes of these dissensions have been various, founded upon differences of speculation in the theory of republican government, upon conflicting views of policy in our relations with foreign nations, upon jealousies of partial and sectional interests, aggravated by prejudices and prepossessions, which strangers to each other are ever apt to entertain."



From this there naturally followed such a review of the history of parties in the United States, as enabled the Speaker to introduce a panegyric upon his predecessor's term of office, as the time when "this baneful weed of party strife was uprooted." But the candid admission was made, that in spite of the effects of "ten years of peace, at home and abroad," in assuaging "the animosities of political contention," and blending "into harmony the most discordant elements of public opinion;" "one effort of magnanimity, one sacrifice of prejudice and passion," remained to be made—"that of discarding every remnant of rancour against each other, of embracing as countrymen and friends, and of yielding to talents and virtue alone, that confidence, which in times of contention for principle was bestowed only upon those who bore the badge of party-communion."

He next offered a view of the opposing interests in the Union, and of the Federal constitution as the reconciliation of them, and the partial solution of all the theoretical difficulties which had been founded upon them, "as indicating the first traces of the path of duty, in the discharge of his public trust," and a *resumé* of his predecessor's administration, "as the second."

Southard, Wirt, and McLean remained in their posts as Secretary of the Navy, Attorney-general, and Postmaster-general; the other departments had lost their heads in consequence of the presidential election, and Adams filled up the vacancies, with the consent of the Senate (convened especially for the purpose), by appointing Henry Clay, Secretary of State; Richard Rush, Secretary of the Treasury; and James Barbour, Secretary of War. And only one change was made during the four following years, when Peter B. Porter was substituted for Barbour, in May, 1828.

The assent of the Senate to these nominations was given, as we said, at a special session, and at the same time that branch of the legislature took into consideration the treaty which had been made with the new State of Columbia for the suppression of the slave trade. Every precaution for the right understanding of this novel species of legislation had been taken; but it could not escape the understanding of Congress, that these treaties must react upon the "domestic institution;" and for that reason, in part, but also because of the strong opposition which existed to the new President, the sanction of the Senate to the treaty was refused by a majority of more than double the number of those who voted in its favour. This vote, and the others upon the appointments, were the first signs of that systematic resistance, which was made to the administration by a combination of all the parties, who looked upon the executive as not belonging to themselves. During the recess, this hostile feeling showed itself in a still more offensive manner.

We observed when we spoke of the canvass preceding the last presidential election, that it was disgraced by less personal insult and accusation than was customary; one instance, however, we said would require to be spoken of again. This was the charge of corruption brought against Henry Clay, which his friends thought he gave undue prominence to, by noticing it in the House. It reappeared, though dimly, during the discussion in the Senate of his appointment as secretary, and before the regular meeting of Congress it grew to the dimension of an affair of state. We will briefly relate as much of this episod-

in the course of public business as may be necessary to the correct understanding of its effects. Clay's friends called it "the Great Conspiracy."

Shortly before the election by the House of Representatives, on January the 28th, a letter was published in the *Columbian Observer*, purporting to be from a member of Congress, but without any signature, in which Clay was distinctly charged with consenting to transfer his interest among the representatives to Adams, in consideration of the guarantee of the office of Secretary of State. His friends were said to have made the converse offer to the friends of Andrew Jackson, and the latter were spoken of as too honourable to "descend to such mean barter and sale," and the "bargain" with Adams was alleged to have been completed. It was soon discovered that the writer was George Kremer, a representative from Pennsylvania, and on the 1st of February, Clay replied to these charges, by a "card" in *The National Intelligencer*, in which he said of Kremer's letter, "I believe it to be a forgery; but if it be genuine, I pronounce the member, whoever he may be, a base and infamous calumniator, a dastard, a liar; and if he dare unveil himself, and avow his name, I will hold him responsible, as I here admit myself to be, to all the laws which govern and regulate men of honour."

Two days later Kremer himself published (or Senator Eaton, in his name) "another card" in *The Intelligencer*, directing "H. Clay" to the editor of the *Columbian Observer* for the name of the writer of the anonymous letter, and offering "to prove the accuracy of the statements" contained in it, as far as they "concerned the course and conduct of H. Clay." Perceiving the drift of this rejoinder, Clay demanded and obtained a committee of investigation in the House; but Kremer refused to appear before it, "on grounds of the most frivolous description," by which means he virtually retracted not only his boast of being able to demonstrate Clay's corruption, but the charge itself also. It was upon this refusal of Kremer to justify his attack upon the character of Clay, that the friends of the latter grounded their counter-charge of "conspiracy;" while the sensitiveness which he displayed to an accusation, evidently framed for electioneering purposes, they regarded as untimely.

Of the charge itself we may here state, that nothing could be more unreasonable as an invention, as well as more groundless. For Clay's ulterior purpose, that of mounting the President's chair, his commanding position in the House was far more serviceable than office in the cabinet of John Quincy Adams. It was manifestly more to his interest, in that view, that the New Englander should be elected now; for it was most improbable that the choice of a chief magistrate would be made, in two consecutive instances, from the western states. And the fact that he actually accepted the very office which Kremer had indicated as the price of his vote and influence, and that after the charge had been publicly noticed by himself and by the House, must be allowed its full weight in demonstration of his entire innocence of so grave a fault.

Not against Clay, however, but against the President himself, was the edge of this accusation, when it was revived, directed. And it was employed with effect, during the interval preceding the first regular assembling of Congress under the new administration, along with other objections to the President of a personal nature, or based upon his election by the House of Representatives.



To these no specific answer needs to be given, nor would they deserve even this passing mention, were it not that by them the real *animus* of the opposition, which was now organising, can be most surely discovered. And it was in this manner that the new parties, which had been silently, and perhaps even unconsciously, forming whilst Monroe held the reins of government, showed themselves as soon as his successor was installed in his room.

But before we arrive at the meeting of Congress, we must speak of the visit of La Fayette, "hero of two worlds," who had once more crossed the Atlantic, and trod the soil which he had borne a conspicuous part in severing from the empire of Great Britain. Three years before, he had expressed a wish to look upon the scene of his early exploits again, and to press the hands of the few survivors of the armies and the actors of the revolution, and Congress had, by formal resolution, placed a government vessel at his disposal to convey him to America. Declining this honour, the chivalric marquis came in a common packet-ship, in the last summer of Monroe's presidencies, accompanied by his son, who bore the revered name of Washington, and arrived at New York on the 15th of August.

What "celebrations, processions, dinners, illuminations, bonfires, parties, balls, serenades, and rejoicings of every description, attended his way from the moment he set foot on the American soil until his embarkation to return to his native France;" how his tour through the States was one perpetual ovation, and his reception by the inhabitants *en masse* of one city and town after another, was here "splendid," and there "sublime;" and how in his gratitude and delight at the *apotheosis* accorded him, he saw nothing in all the land but "prosperity and ensured security, public and private," "good order, the appendage of true freedom, and a national good sense, the final arbiter of all difficulties," and "a glorious demonstration, to the most timid and prejudiced minds, of the superiority over degrading aristocracy or despotism, of popular institutions founded on the plain rights of men;"—all this we leave to other pens.

The hero assisted at the ceremony of laying the foundation of a monumental memorial of the battle of Bunker Hill, on the spot where the American marksmen had, for the first time, made their deadly fire felt, and defeat itself was a triumph more noble than victory;—he was received in the President's own mansion, as "the nation's guest," and visited Jefferson, Madison, and Monroe, now raised, by retirement from the cares and conflicts of office, to the rank of "sages;"—and, finally, on the 7th of September, 1825, in the great hall of the Capitol, amidst a mighty concourse of all ranks, a solemn farewell was spoken to him by the President himself, to which he returned an equally affecting greeting;—and he departed, lingering on his way only to gaze upon the tomb of Washington. Congress had provided for his return to France a new frigate, which, in honour of him, had been named "Brandy-wine,"—and so ended this remarkable event, in which the most substantial and honourable qualities of the American character had displayed themselves, as well as the love of show and noise, by which they are so largely stigmatised,—and which added one more to the many proofs of the profound reverence cherished, in this most democratic and commercial of all republics, for the members of the aristocracies of other lands, and for the military of every country.

The nineteenth Congress met on the 5th of December. In the Senate were

now to be seen, Holmes and Woodbury, Van Buren, Smith of Maryland, Tazewell and John Randolph, Macon, Gaillard, Hayne, Cobb, Richard M. Johnson, Eaton, Harrison, Ruggles, and Thomas H. Benton. In the House of Representatives, there were Edward Everett, Daniel Webster, B. W. Crowninshield, Ralph J. Ingersoll, C. C. Cambreleng, John W. Taylor, M'Kean and Kremer, Barbour, Mercer, John Randolph, Rivers, John W. Campbell, James K. Polk, and Louis M'Lane. Upon the first ballot for Speaker, John W. Taylor received eighty-nine, Louis M'Lane thirty-six, J. W. Campbell forty-one, and Andrew Stephenson seventeen votes; and eleven were scattered. On the second ballot, J. W. Taylor received ninety-nine votes, and was declared to be duly chosen. And next day the President sent his first Message.

In its general character, this document resembled the Messages of the preceding Presidents. It presented a favourable picture of the general concerns of the nation, both foreign and domestic. Yet several questions arising out of the foreign relations of the Union, were spoken of as unsettled. It recommended the entire abolition of discriminating duties on tonnage in respect of all nations who were willing to reciprocate the privilege; a revision of the judiciary system; a general bankruptcy law; an extension of the law of patents; internal improvements on an enlarged scale; the establishment of an observatory, a national university, and a uniform standard of weights and measures; and the promotion of voyages of discovery. It added,—“The constitution under which you are assembled is a charter of limited powers; after full and solemn deliberation upon all or any of the objects which, urged by an irresistible sense of my own duty, I have recommended to your attention, should you come to the conclusion, that, however desirable in themselves, the enactment of laws for effecting them would transcend the powers committed to you by that venerable instrument, which we are all bound to support, let no consideration induce you to assume the exercise of powers not granted to you by the people.”

The state of the finances was pronounced to be most flourishing. There had been a balance, little short of 2,000,000 dollars, in the treasury at the commencement of the year; and the receipts, to the end of September, were estimated at 16,500,000, while those of the current quarter were expected to exceed 5,000,000 dollars. And this was without reckoning the loan of 5,000,000 which had been authorised by Congress. The expenditure of the year, it was said, would not exceed the receipts by more than 2,000,000 dollars; but in it was included the extinction of 8,000,000 dollars of the public debt. The revenue for the coming year was calculated at 24,000,000 dollars, which would exceed the whole expenditure of the year. The entire amount of public debt, remaining due on the last day of the current year, was stated to be less than 81,000,000 dollars.

The first business of importance which came before the Houses, was a variety of proposals for amending the constitution, in respect of the mode of electing the President and Vice-President. In the Senate, Benton once more led the way, with a resolution declaring for “the *demos-krateo* principle;” by which he meant the direct vote of the people. In the House, M'Duffie, of South Carolina, proposed the establishment of a uniform mode of electing the executive officers by districts, instead of leaving it to the state legislatures, who



were capable, as had been seen, of "Gerry-mandering" a state, for unjust and party purposes. He also introduced a declaration in favour of preventing the election from ever devolving upon Congress. Other amendments, one of them prohibiting the re-election of a President for more than a second term of office, were also introduced. There were, in fact, nearly a dozen different resolutions upon this subject before Congress at the same time, and they were all referred by the House of Representatives to a committee of twenty-four; which, after much discussion, and many efforts to reach some practical conclusion, found it impossible to agree in favour of any scheme, and begged to be discharged. So difficult was it found to apply a remedy to universally admitted evils, even under a form of government like that of the United States, which is allowed by all to be sufficiently compliant with the will of the majority of the people.

In the course of this fruitless discussion, by which at least a third part of the whole session was wasted, the charge against Clay was brought forward by M'Duffie, and "a state of feeling produced in the House very unfavourable to the dispassionate decision of the proposed amendments."

Near the close of the session, a resolution was offered in the Senate by Macon, regarding the expediency of reducing the patronage of the executive.

Nor was this the only endeavour to invade the constitutional privileges of the executive; and thoughtful observers of the signs of the times perceived, but too clearly, a disposition abroad to neutralise, or destroy, the most wisely considered features of the polity of the United States. Jefferson's principal fear had been the establishment of a despotism, or bastard species of monarchy, by means of the privileges with which the executive was invested; his opponents rather feared that Congress should engross more than its share of power, and a tyranny, like that of the Long Parliament in England, be set up in America. And the fears of the latter now appeared not unlikely to be realised.

Another amendment to the constitution, brought under the notice of the Senate during this session, was one intended to prevent the appointment of any member of Congress to any Federal office of trust or profit, during the period for which he was elected.

In the defeat of these, and other measures as loudly demanded by the public voice, or by the necessity of the case, may be seen a prominent feature in the tactics of the opposition, which appeared determined to obstruct the course of the administration to the extent of their ability, with the hope of deriving advantage from its unpopularity, of which it would itself be the cause. And it was observed that the President's ill fortune in one respect singularly resembled that of his father, when in office, who had in Jefferson, as Vice-President, a vigilant and inexorable political foe, just as now, John C. Calhoun, the Vice-President, proved. For, being empowered by the rules of the Senate to appoint all the committees in that body, he took care to nominate at least a majority known to be hostile to the administration. So great, indeed, at length became the scandal and inconvenience of such an ungenerous system of strategy, that the Senate took this power out of his hands; but the remedy was applied too late to prevent the mischief which had been intended.

Notwithstanding the astonishing increase of the population of the ultramontane region, no modification had been made in the arrangement of the

judiciary department since 1807, when Ohio, Kentucky, and Tennessee were formed into a circuit;—a singular illustration of the deep root which Jeffersonian abhorrence of the enforcement of a supreme national law had taken in the minds of the people. The affairs of the west were becoming sadly entangled in consequence of the want of Federal courts, to which the settlement of most of the litigation there belonged. The commercial intercourse with the states on the Atlantic, from which most of their supplies were derived, was one most fruitful source of business of this kind—the traders of the west not being particularly punctual in their payments, and the eastern men, not unnaturally, regarding the lack of this virtue as equivalent to the possession of most mercantile vices. And there were, in addition, all the causes arising out of the uncertain and unsatisfactory titles to real estate which prevailed there. Such was the delay in the courts of the western circuit arising hence, that justice can hardly be said to have been administered there at all.

One abortive attempt to correct the evil of this state of things—a bill to establish the system of circuit courts throughout the United States—was made in 1819; another of the same kind, for increasing the number of judges of the Supreme Court, was made in the first session of the eighteenth Congress; but nothing had been done. Daniel Webster, therefore, now, as chairman of a committee on the judiciary, introduced a bill which provided for the creation of three additional associate judges to those at present existing, and an entire re-arrangement of the circuits of the west. “Great opposition was made to the passage of this bill. Some opposed it on the ground that it would render the bench of the Supreme Court too numerous, and thus diminish the responsibility and impair the usefulness of the several judges. Others objected to the introduction of so many judges at one time from the west. It was well understood that dissatisfaction was felt, in that part of the Union, at some of the late decisions of the Supreme Court; and fears were expressed that, by the appointment of three new judges, these decisions would be reversed, and the laws of the land unsettled. Objections of a party character were also started, growing out of the patronage which the passage of this bill would place in the hands of the executive.”

The bill finally passed the House by a considerable majority; but having been much modified in the Senate, a difference arose between the two branches of the legislature, and in spite of the efforts made to effect an understanding, the bill, the necessity of which was acknowledged by all, was lost.

The session ended on the 22nd of May, 1826; but though it had continued so long, and the number of enactments made was considerable, the country at large was disappointed, and the wish was universally expressed that the next session should be devoted to business, and that less time should be wasted in idle and virulent attacks upon the administration, and in protracting the debates for the sole purpose of impeding the action of the government.

This year, 1826, stands marked in the annals of America as the Jubilee of the Declaration of Independence. Fifty years had passed since those men assembled at Philadelphia and subscribed their names to the most remarkable political instrument the world had then seen, honourably securing for themselves a place in the roll of history, and lighting up in France that fierce con-



flagration in which throne, and altar, and all the social forms that time had rendered venerable perished miserably, and a new age for France and Europe was introduced.

Few such anniversaries have ever been kept as this was. Independence-day this year could not be forgotten; and a singular circumstance gave it an unexpected solemnity. On that day, two of the ex-Presidents,—one the author, the other a most prominent supporter, of the Declaration of Independence; one the type of the Federalist party, the other the founder of the democratic party; both of them intensely American, and proved so by every vicissitude of political fortune,—John Adams and Thomas Jefferson died on that fiftieth anniversary! They two, comrades in the noble struggle for freedom, antagonists in the exasperating contest for place and power,—friends, when both had been dismissed with honourable mention from active service in the state,—ended their long lives on July the 4th, 1826.

Adams was the elder of the two, but he outlived Jefferson by some hours, and he retained the possession of his reason to the last. It was a fine message, that which he sent, by the orator of the day, to the party who were to dine in public,—“Independence for ever!” Nor could he think of “a syllable” to add to that toast. About the time that his venerable, though younger, compatriot expired, Adams said, as if comforting himself amidst his consciousness of fast ebbing life,—“Jefferson survives!” “*Nunc dimittis, Domine; nunc dimittis!*” were Jefferson’s last words, in the utterance of which his will was concerned. He had longed to live to see that fiftieth return of the 4th of July, and he saw it, and so died. Of the honours paid to their memory, we cannot, and we need not, give any account; not Congress alone, but the whole nation, mourned their decease and honoured their memories. They left living behind them one only of all those who with them signed the Declaration of Independence—Charles Carroll, who for many years continued to linger amidst a generation to which he was as a voice from the dead.

The second session of the nineteenth Congress commenced on the 4th of December, and next day the President transmitted his annual Message. The principal part of this document, relating to foreign affairs, does not require attention here; respecting the financial affairs of the Union, Congress was informed, that although the revenue of the preceding year had not equalled the anticipated amount, above 7,000,000 dollars had been applied to the reduction of the public debt, and nearly 4,000,000 to the payment of interest thereon; and the balance in the treasury at the close of the year was expected to be 1,200,000 dollars. The prospects for the coming year were represented as more favourable. Amongst the recommendations, which were few in number, and did not include one of those contained in the former Message, to which so little attention had been paid,—the principal that we find are a plan for the gradual increase of the navy, and the performance of certain works of internal improvement. It being the short and concluding session of the Congress, Adams, no doubt, thought—and wisely he did so—that there would be little time for attending to the suggestions of the government.

Another attempt was now made to introduce a uniform system of bankruptcy, but ineffectually; the majority affecting to believe, that though such a law

would benefit the wealthy merchants of the Atlantic seaports, the rest of the community would receive from it nothing but harm. A bill for the increase of the duties on imported woollen goods, the design of which was to promote American manufactures by the unhealthy operation of protection, was introduced early, and passed the House of Representatives, but it failed in the Senate, being thrown out by the casting vote of the Vice-President. Various grants and appropriations for the promotion of internal improvements were made in compliance with the President's recommendation. The sum of 500,000 dollars yearly was also granted, for six years, for the gradual improvement of the navy. But the proposal to bestow pensions upon the revolutionary veterans failed once more ; as did (and that worthily) a proposition to compensate the "victims" of the Sedition Law, in John Adams's "Reign of Terror," as the democrats said.

Great excitement was produced in the House by a resolution, introduced by Saunders, of North Carolina, asking for a list of the newspapers selected for the privilege of publishing the laws of Congress. Throughout the whole of February the time appropriated to such matters generally was wasted in a dreary conflict of accusation, recrimination, and personal quarrels, arising out of this vexatious inquiry ; and all that Congress learned, at last, was that Clay had taken from four newspapers, three of which were violently hostile to the administration, the coveted perquisite of 100 or 200 dollars a year for publishing the laws, and given it to four others, published in the same states.

The elections for the twentieth Congress took place soon after the adjournment in March, 1827. The result generally was, that the opposition received a large accession of strength. The northern states returned the greater number of members in support of the administration ; and the majority of those opposed to the government came from the south and west. This happened, too, although there was nothing at all resembling a rally of the remains of the old Federal party around the President, and though the democratic party was by no means unanimous in its adherence to General Jackson. The changes in the Senate which occurred at the same time were also, for the most part, unfavourable to the government.

Two hundred and seven members answered to their names when Congress assembled, on the 4th of December. Only six were absent, and only two senators did not take their places ; such was the excitement which attended this renewed struggle between the parties that now divided the United States. The first contest arose respecting the speakership ; and Stevenson, of Virginia, was elected, having received a hundred and four votes, while Taylor, of New York, received ninety-four.

On the following day the Message was received, the principal interest of which lay in the intelligence regarding the foreign relations of the Union. The state of the revenue was said to be highly favourable, although there was a small excess of expenditure over the receipts ; because upwards of 6,000,000 out of the 22,250,000 dollars which had been disbursed had been applied to the reduction of the public debt. The balance which was expected to be in the treasury at the end of the year was nearly 5,500,000 dollars. Next came a notice of disturbances among the Indians on the north-western



frontier, which had been happily suppressed. Various schemes for internal improvements were then spoken of; these formed a prominent feature in the recommendations to Congress. The increase of the navy and the formation of a naval school were also recommended; and the necessity of attending to the public lands was urged.

Without attending to the suggestions of the President, Congress devoted its chief time and thought to the revival of the tariff. In relation to the domestic affairs of the country, the tariff was the means by which Henry Clay and his school hoped to secure such protection for American manufactures as would nurture them into the capability of successfully competing with those of other countries. And from this point of view it was a question whether Congress was capable of enacting any laws, the object of which should be "protection" rather than "revenue." There was, too, the liveliest jealousy displayed by the different parts of the Union against each other; every one of them asserting the necessity of "protection" in its own case, and denying it respecting all the other interests, in which it had no concern. In its bearing upon foreign relations, there was no doubt that it was aimed exclusively at Great Britain. "The subject occupied the House almost exclusively from the 1st of February to the 22nd of April, when a bill passed, much altered from that reported by the committee, but by no means conformable to the wishes of the advocates of the protecting system;—Ayes, one hundred and five; Noes, ninety-four. In the Senate, it passed on the 13th of May—Ayes, twenty-six; Noes, twenty-one—with various amendments, not essentially altering its general character, which were concurred in by the House."

Into the details of this Act it is not our purpose now to enter; the following statement by Mr. Pitkin will present a sufficiently clear view of them for our history. "By this Act," he says ("which has been declared not only highly oppressive to the great mass of the community, and injurious to commerce, but in direct violation of the constitution itself"), "the minimum system was extended generally to woollens;" different qualities of woollen fabrics being charged *ad valorem* duties of forty-five or fifty per cent. upon the "minimum" of their estimated value. "Unmanufactured wool was also subjected to a duty of four cents per lb., and forty per cent. *ad valorem*. Additional duties were also laid upon iron, hemp, flax, and molasses; and the minimum price of cottons was raised to thirty-five cents the square yard. The policy of this Act was questioned by many of the merchants of this country, and its constitutionality by most of the people of the southern states. Unfortunately, it was a compound made up by its enemies as well as its friends, and was not satisfactory to either."

One passage we must also cite from Senator Benton's "Thirty Years' View," which will show us in how bitter a spirit of sectional hostility the debates on this tariff were conducted, and also how they promoted the downfall of the administration.

"The South believed itself impoverished to enrich the North by this system [of protection; which (be it well noted) had been promoted by Jefferson and Clay, as much, or more, than by any Northern statesmen]; and certainly a singular and unexpected result had been seen in these two sections. In the colonial state, the Southern were the rich part of the colonies, and expected to

do well in a state of independence. They had the exports, and felt secure of their prosperity: not so the North, whose agricultural resources were few, and who expected privations from the loss of British favour. [We will mark this admission; for it not only explains the anti-British fervour of the South, and the anti-bellicose spirit of the North, in the days of Jefferson and Madison, but also exalts the patriotism of the latter, and greatly depreciates that of the former, in the times of the revolutionary struggle; which certainly was far from being Benton's design here.] But in the first half century after Independence, this expectation was reversed. The wealth of the North was enormously aggrandised: that of the South had declined. Northern towns had become great cities: southern cities had decayed, or become stationary; and Charlestown, the principal port of the South, was less considerable than before the revolution. The North became a money-lender to the South, and southern citizens made pilgrimages to northern cities to raise money upon the hypothecation of their patrimonial estates. And this in the face of a southern export since the revolution to the value of 800,000,000 dollars!—a sum equal to the product of the Mexican mines since the days of Cortez! and twice or thrice the amount of their product in the same fifty years. The southern states attributed this result to the action of the Federal government—its double action of levying revenue upon the industry of one section of the Union, and expending it in another—and especially to its protective tariffs. To some degree this attribution was just, but not to the degree assumed; which is evident from the fact that the protective system had then only been in force for a short time—since the year 1816; and the reversed condition of the two sections of the Union had commenced before that time. Other causes must have had some effect [slavery, for example, as we believe]; but for the present, we look to the protective system; and, without admitting it to have done all the mischief of which the South complained, it had yet done enough to cause it to be condemned by every friend to equal justice among the states,—by every friend to the harmony and stability of the Union,—by all who detested sectional legislation,—by every enemy to the mischievous combination of partisan politics with national legislation. And this was the feeling with the mass of the democratic members, who voted for the tariff of 1828, and who were determined to act upon that feeling upon the overthrow of the political party which advocated the protective system; and which overthrow they believed to be certain at the ensuing presidential election.”

Congress rose once more, to the country's great satisfaction, on the 26th of May, 1828, and the activity of all men was immediately turned to the presidential election, which had absorbed almost all their thought during this protracted and well-nigh fruitless session.

Few contests of the kind have ever been so fierce as this of 1828. Truth and decency were scorned by the enraged partisans on both sides. “Judging from the public press,” says a writer of the period, “no one would have deemed that one of the candidates was a gallant and successful soldier, who had, with unequalled self-devotion and patriotism, rendered to his country important services in the field; and that he had, on various occasions, manifested rare qualities of decision, firmness, and sagacity;—that the other was the chief magistrate of the Union, a man of extraordinary talents and learning, of tried



patriotism, of blameless morals, and unimpeachable integrity, and whose whole life had been devoted to rendering equally important services to his country, as a legislator and statesman." From this may be concluded, too readily what was the spirit of the efforts made in the height of the canvass, which occupied the whole of the recess, to the exclusion of all care respecting any other matter affecting the interests of the country.

Before the time for the reassembling of Congress, the election had taken place; and although the result was not officially declared, it was well known, and influenced the course adopted by the administration; we may therefore present a statement of its issue here. Every vote of Pennsylvania, Virginia, the Carolinas, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, and Missouri; with twenty from New York, five from Maryland, and one from Maine,—in all a hundred and seventy-eight,—were given to General Jackson. Calhoun received the same votes, with the exception of seven from Georgia. Jackson and Calhoun were consequently elected President and Vice-President. The votes given to Adams, and to Richard Rush for the vice-presidency with him, were the whole number from New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware; with sixteen from New York, eight from Maine, and six from Maryland,—in all but eighty-three, or not half the number given to the victorious candidates. The majority of Jackson and Calhoun, estimated by the "votes at the polls," was only one-sixth of the whole number registered for them; and this will give us a fairer view of the real strength of the now dominant party in the country. Happily, it does not devolve upon us to write the secret history of this election.

On the 1st of December, the concluding session of the legislature during the twentieth Congress, and the sixth administration, commenced. Few changes appeared in the members of either House; none of sufficient note to require mention; and on the next day the Message was received. The foreign relations of the Republic occupied, of course, the most prominent place and the largest space. A more favourable account than usual was given of the revenue; the receipts of the year were 2,000,000 dollars more than had been estimated, but the expenditure had exceeded them by about 1,500,000 dollars: above 9,000,000 dollars of the public debt had been paid off, and more than 5,000,000 were expected to be in the treasury at the end of the current year. It was well remarked, at the outset of the survey of home affairs, that "the great interests of an agricultural, commercial, and manufacturing nation are so linked in union together, that no permanent cause of prosperity to one of them can operate without extending its influence to the others." But the principles of "protection" were not so fitly attached to this statement, by the observation that, "all these interests are alike under the protecting power of the legislative authority; and the duties of the representative bodies are to conciliate them in harmony together."

Adams's former Messages had been complained of by his own supporters, and marvelled at by his opponents, because they contained no reference whatever to the tariff, or its protective principle. He compensated on this final occasion for his former silence regarding them. Holding up the short-sighted and narrow commercial policy pursued at that time by Great Britain, not as a

warning, but as an example, he laid it down as the duty of the government to act upon the principle sanctioned by the Tariff Act of the preceding session, and he expressed the hope that to it,—one of the principles, “upon which the constitution itself was formed,” (little though we had imagined it;)—he hoped and trusted the authorities of the Union would adhere. Can we be mistaken in the supposition, that the real intent of this singular passage was the foundation of a practical basis for an opposition party, when Jackson and his adherents, who were known to be, for the most part, opposed to Clay’s “American system,” should come into power?

The remainder of the Message was taken up with the condition of the Indians dwelling within the territories of the United States; the need for fortifying the sea-coast, and increasing the navy; the desirableness of educating the officers of the army, for the purpose of increasing the usefulness of that arm of the service; and the necessity for making provision for taking the fourth census of the country, and of obtaining more complete and specific returns of the ages of the population. And, in conclusion, the President assured Congress of his continued earnest desire for the adoption of the measures he had before recommended, and of his cordial concurrence in every constitutional provision which might receive their sanction during the session, and which tended to the general welfare. But not a word betrayed so much as a suspicion of the fact that he had been defeated, and disappointed of a re-election to the presidency, and that this was the last time he would address the legislature in that manner.

Little of the disgraceful and vexatious tactics of the opposition troubled the proceedings of Congress during this session; yet, as preceding a new election and the installation of a new President, not much more business was transacted than was absolutely requisite to carry on the government. Bills encouraging the shipping interest, by allowing certain drawbacks on exported goods, passed both Houses, and became law. A tonnage bill, proposing to repeal that duty on all American vessels, and on those of other nations placed by treaty on the same footing, was rejected in the Senate. Liberal appropriations were made for the promotion of internal improvements of various kinds; and the principle was once more largely debated, and at length affirmed by considerable majorities, both in the Senate and in the House of Representatives. The continuation of the Cumberland Road, and the conditional cession of it to the states through whose boundaries it passed, occupied much of the time devoted to this section of public business. These are the principal matters which occupied Congress now; other bills, and amongst them some originating with the retrenchment committee, expired with the session, on March 3rd, 1829, not having been able to get through all the stages necessary to make them laws.

One proceeding, however, we must speak of which shows that the victory of Jackson’s party had by no means assuaged their animosity against the administration, and which painfully illustrates that greediness of patronage already so prominent in this strife of parties. The Senate refused to sanction the nomination of a judge in the Supreme Court, although the place had been vacant since the preceding August, and the business of the courts was inevitably hindered, and the ends of the administration of justice defeated, by the delay. There



could be no doubt respecting the unworthiness of the motives which prompted this unusual course. And no remembrance of Jefferson's outcry against his predecessor's "midnight judges" could afford any countenance to it, as the nomination was made at the very commencement of the session. We must not fail, also, to remark the genuine democratic contempt of "law" disclosed by this transaction, and which is one of the most effectual impediments to the progress of the United States, in those particulars which alone can render a country truly great.

Few administrations have been exposed to so searching a fire of criticism as this of John Quincy Adams. None was so obstructed by factious opposition. The faults of its policy were not many; perhaps they might all be comprised under this one charge, that the President did really believe in the possibility of carrying on the government on the noble and national principles consecrated by the approbation of Washington and his own revered father. It is not to be imputed to him as a crime, that he was not a greater statesman than the greatest of his country in his time; and who shall blame him if he were more virtuous simply? There can be little question that the traditional feeling of the democratic party, identifying him with his father, operated most powerfully in bringing about his rejection, at the end of a single term of office. And perhaps we should not much misstate the facts, if we were to say that the election of the son of a President, which has happened in this sole instance, was regarded as equivalent to the re-appointment of the successor of Washington. In this respect, both father and son enjoyed a peculiar distinction; and neither could feel that he had suffered any real disparagement. In another point of view, John Quincy Adams stands alone amongst the Presidents of the United States, and upon this, which is his most distinguished honour, the abiding renown of his name will rest,—his public services ceased not when he left the presidential chair. Up to that time he had been employed by the government, and was regarded as the leader of a party; but then, as if all that had preceded had been but the preparation and training for his public life, he entered the service of the nation; and to the day of his death, with the same simplicity, assiduity, and conscientiousness which had marked his earlier career, but with wider and loftier scope, he devoted himself to the promotion of those objects which his large experience had taught him were, above all, essential to the welfare and the advancement of his country. We see him return to the ranks of the citizens without regret, and we know that it did not cost him a single sigh. In the Capitol we may confidently hope to meet him again, and if not there, wherever can be assembled the wisest and truest patriots—the best of men.

## CHAPTER III.

FOREIGN AFFAIRS.—NATIONAL DEFENCES.—FILIBUSTERING AND PRIVATEERING.—ANNEXATION OF THE FLORIDAS.—SEMINOLE WAR.—DIFFERENCES WITH SPAIN.—AMERICAN CONGRESS AT PANAMA.—COMMERCIAL TREATIES.—CONVENTION WITH GREAT BRITAIN.—TREATIES WITH FRANCE, AUSTRIA, SWEDEN, DENMARK, ETC.

FOREIGN affairs, during the twelve years of the administration of Monroe, and John Quincy Adams, do not wear a very clearly-marked, nor yet a very elevated aspect. With regard to Great Britain, the American government assumed, but fitfully, almost the same attitude that it took under Jefferson's direction; but without any desire or purpose to push matters to the length of war. The belief seems to have prevailed that Great Britain had been worsted in the late war, and ought, therefore, to accept without ado the commercial arrangements which the United States found convenient; and some wonder appears to have been entertained that she did not. With France the chief negotiations related to injuries inflicted upon American commerce before 1800. As to Spain, neglecting the wise neutrality which was counselled and observed by Washington, the government of the United States committed itself, notwithstanding the protests of its ambassadors and the enactments of Congress, to an interference with that European power, not unfairly characterised by the filibustering expeditions in which it really commenced, and the piratical voyages of privateers, sailing under the flags of the revolted colonies of the one mighty mistress of the Indies. In the same spirit, also, the expression of sympathy was tendered to Greece, when it rose against its Turkish oppressors; and a precedent was established, which has gradually led to an involution of American affairs with those of the states of Europe, registered in this year [1854], for the study of those who watch the progress of events, by a convention of diplomatists to discuss the fitness of engaging the United States actively in the contests that have now commenced; and which seems likely to lead to consequences as little anticipated by the most ardent movers in these transactions, as the possibility of such questions arising was by the founders of the Federative Union. At the same time, by joining in the Congress of Panama, the leaders preserved the semblance of being guided by the traditions of the elder statesmen of their country. And, remarkably enough, as associated with these incoherent proceedings, there were treaties concluded with European nations for the regulation of commerce; and tariffs, and similar measures for the prevention of trade, under the pretext of protecting domestic manufactures. Such were the prominent features of the policy and the action of the government of the United States, in relation to foreign powers, during the period treated of in this Book.

Monroe announced, in his inaugural address, the line of conduct which he should pursue, and prefaced it with the following representation of this aspect of the affairs of the state, which will sufficiently explain the reason for matters assuming such a shape as we have shown.

"Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may be again involved in war,



and it may, in that event, be the object of the adverse party to overset our government, to break our Union, and to demolish us as a nation. [It may be borne in mind with advantage, that all Europe was now at peace; that except with Great Britain, it is scarcely conceivable that any occasion of war should arise; and that in the lately terminated war with that nation no such aims as these had been entertained by "the adverse party."] Our distance from Europe, and the just, moderate, and pacific policy of our government, [Very correct now; not so true when Jefferson and Madison were at the head of it.] may form some security against these dangers; but they ought to be anticipated and guarded against.

"Many of our citizens are engaged in commerce and navigation, and all of them are, in a certain degree, dependent on their prosperous state. [This the democratic party had practically, *in toto*, denied.] Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other powers, and we should disregard the faithful admonition of experience, if we did not expect it. We must support our rights, or lose our character,—and with it, perhaps, our liberties. A people who fail to do it can scarcely be said to hold a place among independent nations. National honour is national property of the highest value. The sentiment in the mind of every citizen is national strength. It ought, therefore, to be cherished."

Remembering, as we cannot fail to do, that the speaker on this occasion, was he who, when ambassador to France, assured Merlin *Suspect*, that the United States felt it no dishonour to have their ships spoiled by French cruisers, and that the insults then received from that volatile ally had never been repaired, we wonder a little that such things could escape him. But this is universally the drawback from the worth of these state papers;—they are not historical documents, but partisan and even electioneering manifestoes. Much is omitted, and a peculiar hue and meaning given to all that is noticed; and, as we have seen, when quoted they must be accompanied by a running commentary, which (after all) cannot accomplish half its design. It arises in part from this circumstance, we cannot doubt, that the historical faculty of the American people is so inoperative—that much of the popular conception of recent and almost contemporary events borders so closely on the legendary.

The address proceeded to counsel the fortifications of the coasts and inland frontiers, the regulation and ordering of the army and navy, and the placing of the militia "on the best practicable footing." And it urged immediate attention to these subjects, now that it was peace, not because the best safeguard of peace was a state of preparedness for war, but as if "foreign invasion" was actually imminent. This seeming assumption that the only relations of the United States with other countries must be hostile, runs through the whole of the passage; and if it do not (as we are assured) indicate that America felt itself an Ishmael in the family of civilised nations, it does show how little of the real grasp and vision of the statesman Monroe possessed. His notions of the matter were plainly the offspring of his experience alone; and he could not adapt the lessons he had so acquired to the present, which was totally different from the past, whence they had come to him—nor to the future, in such a manner as to mould and fashion it into some nearer likeness to the ideal of his

country—without which it were vain for him to affect to guide the course of public affairs. Under such direction, however, we cannot wonder at the self-contradictoriness of the foreign policy of the Union at this time.

Protection to home-manufactures is the only other branch of this wide and concerning subject referred to; and that also is recommended by the consideration, that whilst dependent on “supplies from other countries,” “the sudden event of a war, unsought and unexpected [and therein wholly unlike any of the wars which the United States had known, if not, indeed, unlike any which it could know], cannot fail to plunge us into the most serious difficulties.” On this point Monroe subsequently changed his mind, as he did on the constitutionality of internal improvements being undertaken by Congress; whence also we may infer the real origin of this want of distinct and settled purpose in the management of these foreign affairs.

Throughout the administrations of Monroe and John Quincy Adams we find in the Messages from the President, and the appropriations voted by the legislature, proofs of attention to the importance of such national defences as Monroe’s inaugural address spoke of. In the latter part of the time, however, less was said respecting the militia, and more about the army and navy,—a change which marks the prevalence of principles resembling the Federalism of Washington and John Adams. The militia was the favourite arm of the leading democrats, who knew that valuable votes were won by flattering the military penchant of their fellow-citizens; and did not know how much training and discipline enter into the composition of veteran soldiers; and the greatest dread of the least increase or enhancement of the strength of either army or navy was avowed, lest the executive should be tempted by the possession of such instruments to aim at establishing a tyranny. When we reach the next Book, we shall see the nearest approach to such an overthrow of the constitution which has ever been made; and in that instance, assuredly, the military, who would have been turned to for aid in taking the last and most difficult steps of all (and which we scarcely need say were *not* taken), were the militia and volunteers, not the regular army. For a commercial nation, the jealous parsimony of the United States with regard to a navy is one of the most singular phenomena in their history; and can only be explained by the violent hostility which prevailed between the two great interests of the country, and the number and force of the anti-commercial party. To the former of these influences must be ascribed the difficulty which attended the obtaining of the necessary appropriations for fortifying the harbours of the middle and eastern states; there being few forts in the South, and those not easily accessible to an invading enemy.

Before the end of the year 1817, Congress made inquiries respecting a filibustering expedition against Amelia Island and Galveston. It appears that one Gregor M’Gregor, who gave out that he had received a commission as a general from “the united provinces of New Granada and Venezuela,” in conjunction with Louis Aury (of whom we shall hear again), had taken possession of Amelia Island, with the avowed intention of renewing the attack upon East Florida from that point. M’Gregor’s forces called themselves the “Patriots,” but one who was not disposed to look upon the attempt with a very unfavourable eye, declares that they included outlaws from the United States, runaway slaves,



smugglers, vagrants picked up by chance in the ports of the southern states,—in fact, the very *élite* of rascaldom; in proof of which he alleges that Captain Woodbine (whom we have heard of in these parts before, opposing attempts on the part of citizens of the United States against Florida) was amongst them. English emissaries are also said to have been there; but this we can only regard as an indirect and not very manful scheme for lessening the blame attaching to the whole affair. M'Gregor proclaimed his ulterior object, after accomplishing the liberation of the province, to be its annexation to the United States.

"On the 30th of July, 1813," says Monette, whose story will in part suffice for our purpose, "the Spanish governor entered into a capitulation for the surrender of the province to the patriot forces; thus again excluding the authority of Spain. But with this incongruous mass of reckless adventurers no permanent government could be sustained. Dissensions arose; and General M'Gregor, --having been supplanted by the artful intrigues of Hubbard, and having been induced to believe that his personal security was endangered by his enemies,—retired from the command, and accompanied the notorious Woodbine to England. It was not long before Aury [who claimed to be an 'admiral,' under a commission like M'Gregor's] lost his influence, and retired also, leaving Hubbard in chief command.

"The government, under the usurped authority, had but short duration. To prevent the lawless assemblage which concentrated near the frontier of the United States, and interrupted the due operation of the revenue laws, the Federal government determined to take forcible possession of the country, until Spain should be able to maintain her authority over it. Accordingly, on the 1st of January, 1818, in obedience to instructions, Major J. Bankhead and Commodore J. D. Henly, with a division of the land and naval forces of the United States, expelled the patriots, and took possession of the country."

This Hubbard had once been sheriff of New York; and a more probable story of the termination of the connection of M'Gregor with the desperadoes of Amelia Island is, that finding the place unsuited to his own private designs, he returned to the Spanish Main,—no Captain Woodbine appearing on the field at all. The real intention of the leaders in this attempt was, it appears upon unquestionable evidence, the prosecution of an illicit trade in African slaves with the southern states; and they did not hesitate to combine with this object every kind of smuggling and piracy. Several English adventurers, whose occupation was gone now that peace had been concluded, came to the pirates' haunt after M'Gregor had left it, under the impression that it really was a basis for hostile operations against the Spaniards in Florida. Perhaps these were the "emissaries" which we heard of above.

The "admiral" in this affair, Louis Aury, had been associated with another establishment of the same kind. On the coast of Texas, about one hundred and thirty miles west of the mouth of the Mississippi, was a low and narrow sandy island, called Snake Island. It was held to be within the western limit of the Louisiana purchase, as claimed by Jefferson; but, whatever it was *de jure*, *de facto* it was a possession of Spain. On this island, together with an adventurer named Herrera, who, when at New Orleans, described himself as "an agent from a Mexican congress,"—which he no doubt was,—Aury collected some three

hundred brigands, mulattoes, Baratarians (including their leaders, the Lafittes), and scoundrels of every hue—who afterwards were joined by a “Colonel Young, late of the 29th regiment” of the United States, “Captain Brush,” in the same service, whom we last saw at the river Raisin, “and several other officers and two hundred and fifty men,” a “General Mino, and a Mr. Stewart, late from England”),—under the favourite designation in those parts of patriots, to organise a republic and contend for “the liberties of man.” Galveston was the name of this new Rome, and it boasted its civil and military governor, its secretary of state, court of admiralty, administrator of revenue, collector of customs, and all other officers requisite to impart to it a semblance of political order.

Hither were brought the prizes made by Aury’s vessels in the Gulf of Mexico, principally Spanish slave-ships; but any other traders, of any other nation, the United States included, were not passed over. The slaves thus captured were sold to speculators from the southern states, who smuggled them into Louisiana, and with them the goods taken by the pirates in other ships. “The men were well supplied with everything, and paid monthly.” But this remarkable experimental republic attracted the notice of some whose observation the leaders strenuously desired to avoid; and soon after the accession of Monroe to the presidency, Aury removed to Matagorda, nearly a hundred miles farther west. This spot was too remote from the markets he had discovered for his commodities; and after a short time he once more shifted his quarters to Amelia Island, as we have related. The Lafittes, with some half hundred new adventurers, of the same class as the others, attempted to re-organise “the republic of Galveston,” in the hope of carrying on their peculiar trade as before; but the scheme failed once more, and about the time that Amelia Island was surrendered to the forces of the United States, this establishment at Galveston disappeared.

The encouragement given to these infamous undertakings by the agents of the internal slave-trade, the presence of officers of the United States’ army and their men in such a haunt as Galveston, the amount of capital embarked (for there were said to be as many as fifteen vessels belonging to this scoundrel state), all show how little distinction was made between the honourable and dishonourable profession of arms and seamanship, at least in the southern states. And unhappily we shall soon see what encouragement was given to such filibusters by the neglect of the ordinary forms of intercourse between civilised nations on the part of the Federal government. Still more unhappily, we shall see, as we proceed, that an equal laxity, or disregard of principle in international dealings, has marked the events of much later years.

How anxious, for many years, the American government had been to obtain possession of the Floridas, has been intimated on proper occasions, ever since we recorded the purchase of Louisiana by Jefferson. At first arising from the not unnatural nor improper desire to be fully assured of the security of outlets for the export of the produce of the interior regions of the South and West—which Spain, with most fatuous shortsightedness, had impaired; it grew into a covetous longing for the possession of a region which offered to the often hardly-treated thralls of the slave states a ready asylum, and which might help in time to



counterpoise the growing influence of the North, whilst it would be easy to carry on a contraband traffic in slaves brought direct from Africa, amongst the creeks and lagunes of that vast natural mole, which converted the Gulf of Mexico into a safe harbour for the nation who could obtain the ascendancy in its waters.

Jefferson's dreams of means for enlarging the territory and power of the United States dawned upon him when he unexpectedly acquired from Napoleon Bonaparte all that remained of the once magnificent empire of France in North America. In 1791, when secretary of state, he wrote to William Short, and in good faith, it appears,—“If there be one principle more deeply rooted than any other in the mind of every American, it is that we should have nothing to do with conquest.” But in 1823, when Florida had been achieved, he wrote from his philosophic retirement to his old friend Monroe, then holding the helm of affairs—“I candidly confess that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of states. The control which, with Florida Point, this island would give us over the Gulf of Mexico, and the countries and isthmus bordering on it, as well as all those whose waters flow into it, would fill up the measure of our political well-being.” It is due to the “Lone Star” filibusters, and to their supporters and imitators, to point out this opinion of the Sage of Monticello; and to our readers, to show that these later attempts upon Cuba have a deeper origin than the piratical habits of a few unprincipled and moneyless rogues.

The committee of the House of Representatives on foreign relations, to whom the consideration of the pretended attempts against Florida was referred, found themselves in the difficult position of having to condemn in Aury and his crew what they had authorised in Claiborne, and his division of the United States' army. But with *naïveté*, which cannot be too much admired, they placidly remark that, “the greater part of West Florida being in the actual possession of the United States, this project [of Aury's or M'Gregor's to conquer the Floridas] involved in it designs of direct hostility against them [the United States!], and as the express object” of the Act of Congress, authorising the occupation of that part of Florida, was “to prevent the province of East Florida from passing into the hands of any foreign power,”—not, be it observed, to retain it for their good ally of Spain,—“it became the obvious [and pleasing] duty of the President to exercise the authority vested in him by that law.” And thence the suppression of the establishment at Amelia Island.

One paragraph further we must quote from this report. It will not require a solitary word of explanation.

“It does not appear that among these itinerant establishers of republics, and distributors of Florida lands, there is a single individual inhabitant of the country where the republic was to be constituted, and whose lands were to be thus bestowed. The project was, therefore, an attempt to occupy that territory by a foreign power. Where the profession is in such direct opposition to the fact; where the venerable forms by which a free people constitute a frame of government for themselves are prostituted by a horde of foreign freebooters, for purposes of plunder; if, under the colour of authority from any of the provinces contending for their independence, the Floridas, or either of them, had been permitted to pass into the hands of such a power, the committee are persuaded

it is quite unnecessary to point out to the discernment of the House the pernicious influence which such a destiny of the territories in question must have had upon the security, tranquillity, and commerce of this Union."

Our readers will readily call to mind the fact of the occupation of West Florida, which is alluded to in this report. They will also remember the incidents which marked the conclusion of the second Creek war. For these things indicated the determination of the American politicians respecting Florida as plainly as the attempts made to purchase the country of Spain. How Florida was now at length acquired, we will immediately proceed to show.

It was whilst the filibusters of Galveston and Amelia Island were founding their pretended republics, that a war was begun on the frontier of the United States and Florida. So great had been the decline in the power of Spain, since the rise of the commercial greatness of England, that though she regained possession of Florida in 1783, she can never be said to have re-occupied the country. That rich alluvial flat was left almost entirely to fugitives from justice in the United States, a tribe of Seminole Indians which had been expelled from the Creek confederacy, the discomfited remnants of the "Red Stick" party, among the Creeks, in the last war, runaway slaves from the southern states, smugglers, buccaneers, and marauders of every description, uncontrolled, except here and there by a small military post.

There can be no question that the proximity of such neighbours to Georgia was sufficiently unpleasant; more particularly as the settlements of Seminole Indians lay partly within the boundary of that state. Under such circumstances, however, the establishment of forts and stations, though apparently imperatively needed, was sure to lead to consequences amongst which the acquisition of Florida was one of the most probable.

Loud complaints from the backwoodsmen of Georgia speedily began to pour in upon the authorities; and General Gaines, who commanded in that quarter, having demanded of the Indians on the Flint River surrender of some persons whom he charged with murder, was met by a decided refusal, on the ground that they were not the aggressors, just as we have seen it happening in so many cases in the north-west. Added to this ground of complaint on both sides, there was immediately afterwards the violence employed, in dispossessing the Indians of the territory ceded to the United States by the last Creek treaties—violence for which the Indians took ample revenge, by attacking a boat, laden with supplies, on the Appalachicola, and killing above forty persons who were on board, some of them being women and children.

Whether it resulted from the weakness of the Spanish force on the borders of Florida, or whether from that kind of disregard of the constitutionalities of international intercourse which we have had repeated occasion to note in the dealings of the United States with foreign powers, or from both combined, we will not pretend to determine; but as soon as the attack on the boat was known, the government authorised General Gaines to advance into Florida (that is to say, to *invade* the territories of Spain), "if necessary;" but specially instructed him not to attack a fort, if the Indians should take shelter under the guns of any, "but to report the fact." Jackson, who was the principal officer in the south, at the same time received orders to put himself at the head of the



movement; and he was empowered to call out a militia force from his own state, in addition to that which had been raised in Georgia.

Matters stood in this position when Congress met in the beginning of December; but the Message took notice only of the "experimental republics" of Aury, and of M'Gregor's pretence of revolutionising Florida. Not a word was said of the hostile appearance of affairs on the Appalachicola,—the boat attack had happened only three days before, and could not be known at Washington then,—arising from the resolution to "evict" the Indians by the summary process of burning their towns at night, when, by the extension of their settlements into the adjoining Spanish province, it was certainly to be expected that such a proceeding would lead to war, if Spain had either the power or the will to retain that fragment of her former dominion in the New World. The blessedness of being the means of spreading civilisation amongst the aboriginal red men of America, and of elevating them above "the hunter's state," and the security against their inroads, to be attained by opposing to them fortifications mounting cannon—they knowing the use of small arms alone—these things were also touched upon.

One other point, of no small account in this condition of the relations between the United States and Spain, was mentioned too—the revolted American colonies of that nation; and respecting them the Message counselled "neutrality," and the prohibition of succour to either party in the strife, "in men, money, ships, or munitions of war." The United States, said the President, meaning the administration alone, "have regarded the contest, not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having, as to neutral powers, equal rights."

This was, perhaps, approaching as nearly as could be expected to such deference with regard to Spain as might facilitate the transfer of Florida without war, and win for Monroe the glory of leaving achieved the two first and greatest additions to the territories of the Union by diplomacy alone. But it could not be very agreeable to the Spanish minister, and it must have been still less so to his government, to see the rebels spoken of as having "equal rights" with the monarch of the Indies. But he found matter of complaint in the expeditions against the two piratical settlements also, and he had before complained that the pirates were allowed to beat up for recruits in the southern parts.

During the session of Congress, the question of the more positive recognition of the newly revolted colonies of Spain, as sister republics, was brought before the legislature, which an agent of the rebel governments had urged at the same time that the Spanish ambassador was protesting on the other side. The President laid all the papers which could throw light upon the matter before the Houses, and every point in this complicated business was largely discussed—new republics, patriot invasions of Florida, privateering under the flags of the rebel states, the boundaries of Louisiana and Florida, and the old question of spoliations of the commerce of the United States by the Spanish cruisers. On one of these subjects—the boundary question, Great Britain had been indicated by Spain as an arbitrator whose decision she was willing to submit to; in fact, perhaps, because Florida had, for part of the preceding century, belonged to her. But the United States had one, if not two, boundary questions to settle with

Great Britain herself, and the administration, not so unwisely, thought that there was a likelihood that she would not be completely impartial.

No one can doubt that, quite apart from the probability of gaining Florida, and even more than that, in the course of the struggle, the sympathies of the United States went with the revoltors in the Spanish provinces. Had they not been able to show so clear a case in vindication of their rebellion, it must have been so. Yet, not now itself in a revolutionary attitude, but connected with the family of recognised governments by treaties and other diplomatic relations, the administration of the United States found it somewhat difficult to determine what part to take in respect of the new states which were rising amid the ruins of the once magnificent empire of Spain. The difficulty might well have been enhanced by the discovery of the close affinity which *patriots* of the scoundrel order affected for those who were in arms for political liberty. Under these circumstances, Monroe adopted a course as unobjectionable in itself and as satisfactory in its result as any which could have been devised ;—he sent three commissioners to South America, to obtain information at first hand, that he might be enabled to judge what specific action it would become him to recommend to Congress. From his emphatic enunciation of the existence of a neutral policy, we conclude that neither he nor his secretary, John Quincy Adams, saw any reason then to expect the easier acquisition of Florida, in consequence of the outbreak in the south of the hemisphere.

When the appropriation to defray the charge of this commission was before the House of Representatives, Henry Clay took the step which American patriotism of every shade desired—he proposed a new appropriation for a minister to the united provinces of Rio de la Plata ; leaving it, however, to the executive to determine when it should be expedient to send one. The ground upon which he urged this was the absolute necessity of forcing Spain to give to America the reasonable satisfaction she had demanded for the long catalogue of insults and depredations which had been the chief incidents in the relations of the two countries. And he advised the adoption of this course mainly, as his speech showed, because he had learned by experience how unwise it was to follow up to actual hostilities every cause of war ; and because he especially deprecated the endeavour to bring about either an adjustment of the difficulties he had spoken of, or a war, by the seizure of Florida.

Few speeches upon the subject are so singularly instructive as this of Clay. It is a complete condemnation of the policy which caused the war of 1812, and of himself for precipitating the declaration of hostilities then. It is, too, a complete vindication of Great Britain from the most vehemently urged accusations of the leaders in the revolutionary war, and of the Democrats ever since. And it blends the most chivalric considerations, based upon the examples of France in relation to the United States, and of the American government itself in its earlier and purer days, with considerations of mere pelf, in a way that characterises with wonderful accuracy the assembly to which it was addressed. It did not, however, succeed in effecting the object of the speaker ; nor was it till two years later, that under his guidance the United States had the honour of being the first constituted government to recognise the right of the people of South America to look after their own political affairs ; when it had been painfully



demonstrated that Spain neither would nor could perform her duties, as mother country, to them. For the present the majority preferred the easier and cheaper course of prohibiting privateering and filibustering by Act of Congress; by which means "a base of operations" was secured for the action of General Jackson, who was now prosecuting with his accustomed vigour the Seminole war.

It was early in January, 1818, that this energetic captain, at the head of his redoubtable Tennessee Volunteers, set out for the seat of war. Before the end of the month, he concluded a treaty with that part of the Creek nation which was friendly to the United States, and secured their assistance against the Seminoles. On the 1st of March he reached Fort Scott, on the Appalachicola; having now under his command above four thousand men, a force greatly exceeding in number the whole of the nation he was about to attack, including both women and children. Provisions running short, he hastened southward without delay, employing his Indians to scour the whole country round the line of march, by which means he secured a great number of prisoners from the enemy. On the site of the stronghold which the negroes had held, and been dispossessed of in the manner related in a former book, Jackson built a fort and named it Fort Gadsden; and this he made use of as a depot for supplies.

On the 1st of April, the Creek towns on Mickasukie Lake, and the Ocilla river, were stormed and destroyed, and cattle and corn in abundance was taken. Here too was found what it suited Jackson's purpose to make a wonder of, although it was only the usual ornament of an Indian town—a red-painted war-pole, from which were suspended a great cluster of scalps; fifty of them, it was said, and as might have been expected, including those of every sex and age. They found some three hundred of these horrid trophies in all; and it was the number of them, so much exceeding that which any company of Hunting-Shirt men from the western states could show, as well as their being mostly American, that shocked the general.

All this, it must be remembered, took place on the Spanish territory, and under the authority of the American government;—no leave was asked, nor any explanation offered; supplies and men were carried through it, as if it had already been an integral portion of the United States. No time, however, was lost in proceeding to yet greater lengths. Acting upon the usual device in such cases—the charge of assistance given to the enemy (although in this instance, if the Spanish forces posted there had marched against Jackson, they would only have acted with strict propriety), the general, victorious over the wretched handful of lurking Indians and fugitive slaves, hastened with his army to St. Mark's, a small Spanish post with a fort, at the head of Appalachicola Bay.

An annalist of these times, whom we have often quoted, says, that "the incidents of the Seminole Indian hunt, which has been dignified with the name of war, in a military point of view are of little consequence, and unworthy of a minute detail, in a general history of the times." Nevertheless this wretched "hunt" aided in procuring for General Jackson the *éclat* which raised him to the presidency.

Jackson, victorious in East Florida, where he had slain about sixty of the enemy, and burnt seven hundred huts, shot one Indian trader, hung another, and also two Indians captured by stratagem, and lost twenty of his allied Creeks,

now marched against Pensacola, where, as usual, the Indians had been sheltered by the Spanish authorities,—perhaps, because they were attacked by the Americans on Spanish ground. The governor of the place protested against the invasion of the province, and vowed he would resist. But as this did not stay the advance of the Tennessee warrior, he retired to the fort at the Barancas, and left Pensacola undefended, for Jackson to take possession of without a blow. Three days later, the army marched to the Barancas, raised a breastwork in the night, exchanged a few shots with the fortress, which capitulated, and the garrison was allowed to go to Havana. The whole of Florida was thus occupied by Jackson's troops; and that, not only without orders, but, in exact opposition to the orders he had received from his government.

Clay and his party, with the lovers of peace and order generally, both in Congress and the country, were both dismayed and indignant at the course adopted by Jackson. It was forbidden by the constitution to the states individually to make war; but here was an individual person, on the ground of a mere generalship, waging war upon an ally of the Union, capturing his fortified posts, expelling his soldiers, and executing, with the forms of a military trial, neutral traders found in his dominions! It boded ill, not for the constitution, but for the country, that such things could be. Still more ominous was the circumstance that the most numerous and zealous section of the democratic party proclaimed its attachment to the general more loudly than ever, the state legislatures idolised him, a majority in the legislature of the nation commended him for setting himself up above the law, and the executive and his cabinet (overborne, it is said, by John Quincy Adams!) thanked him for usurping their constitutional functions!

*The Mississippi State Gazette*, relating at the very time the story of the war, in the midst of a paragraph applauding him, and ascribing to this "most extraordinary person that has ever appeared in our history," the possession and the exercise of almost every virtue under heaven, attributed the "extraordinary cast of vigour," which was said (most truly) to characterise him, to his "being always among a people who regard the application of force, not as the *ultima ratio regum*, but as the first resort of individuals who look upon courage as the greatest of human attributes." This opinion deserves the gravest consideration. There is a candour and straightforwardness in the expression of it which removes it quite from the category of ordinary newspaper articles. It explains much that else is most anomalous in the history of the United States. But what a prophecy does it involve! Happily, not even in the darkest and most ferocious ages could there be more than here and there a man—and he, indeed, *l'ennemi du genre humain*—who was able so to "regard force" as this unscrupulous admirer of General Jackson declares the great-minded "Tennesseans" always do. This would not be earth, but another scene of existence altogether, could power be thus revered universally here.

What protests the Spanish ambassador presented at Washington, and how the good John Quincy Adams was obliged to wink hard, whilst he justified the deeds of the too faithful officer in the south, all men can conceive. The only practical acknowledgment of being wrong, however, was the offer to restore the fortresses which Jackson had taken as soon as Spain would garrison them



strongly enough to keep the Indians round them in becoming subordination. And meanwhile, both parties pushed on the negotiations, which were even now proceeding, for the transfer of Florida to the United States, and the discharge of all the indemnities claimed by the latter government thereby. Spain very reasonably required an apology for Jackson's unauthorised acts of hostility; but it was the Texas boundary that occasioned the greatest difficulty.

We must hasten to the conclusion of this affair, which has too long detained us. The treaty by which Florida was definitively added to the United States, was signed by the Spanish ambassador, and by John Quincy Adams, on the 22nd of February, 1819; but it was not ratified by Spain until the 24th of October, 1820; and the contest regarding it, in the United States, did not even then terminate. The claims of American merchants for compensation from Spain, were reckoned at 5,000,000 dollars; and this sum the United States government agreed to pay to them, receiving Florida, East and West, in return for it. But the North was strongly opposed to such an enhancement of the strength and authority of the slave states; and Monroe felt constrained, in order to carry the ratification of the treaty, to renounce, for a time, the claims which he had inherited from Jefferson, to the whole, or greater part of Texas. Having thus "dismembered Louisiana," as was said afterwards, when Texas and its annexation to the Union became a question for the decision of Congress, the Senate agreed to the ratification of the Florida treaty, which was finally made law on the 22nd of February, 1821. Perhaps the admission that the western limits of the United States was the Pacific Ocean, was at that time of as much importance as the acquisition of Florida.

Nothing remains but to intimate that, though not very prominently, this relinquishment of the claim on Texas occasioned great agitation in the political circles in the United States. Senator Benton asserts that "the inside view" is, "that all this was the work of southern men, candidates for the presidency,—some in abeyance, some *in presenti*, and all yielding to that repugnance to territorial aggrandisement and slavery extension in the south-west, which Mr. Monroe mentioned, in his letter to General Jackson, as the 'internal difficulty' which occasioned the cession of Texas by Spain."

The feeling of the country and the expectations of the politicians varied continually during the tedious course of this negotiation. The foreign committee of the House once went so far as to recommend the seizure of Florida; and it does not appear to have been rebuked for its filibustering spirit. All this while Clay persevered with his scheme of recognising and entering into diplomatic relations with the Spanish-American republics; and he had the satisfaction of seeing, first the President himself, and then the legislature by his side, convinced, as it seems, far more by the want of good faith in the conduct of Spain than by his arguments. Quincy Adams, Secretary of State, was the last to be convinced. "He had," says his biographer, Seward, "many and serious doubts whether the people of the South American provinces were capable of originating and maintaining an enlightened self-government. There was a lack of general intelligence among the people,—a want of an enlarged and enlightened understanding of the principles of rational freedom,—which led him to apprehend that their attempts at self-government would, for a long season

at least, result in the reign of faction and anarchy, rather than true republican principles."

In order to afford an illustration of the manner in which a small matter can be magnified and adorned, so as to be a very great one, to those who support the leader concerned in it, we will leave the narrative of Clay's final triumph on this question to Calvin Colton, the admiring expounder of the "Life and Times" of that statesman.

"On the 8th of March, 1822," says he, "the President, by a special Message to Congress, recommended the recognition of South American independence, and on the 28th of the same month the measure was carried in the House of Representatives with but one dissentient voice!—a moral victory, after a struggle of years, achieved by a single arm—a victory, the equal of which is rarely to be found in the annals of political society—a victory of vast and inconceivable social results in its checks on despotism and for the furtherance of liberty."

Such was the first effort made by the United States as propagandists of political freedom, or in the way of fraternising with communities struggling to obtain it.

In the year 1823, Bolivar, at that time President of Columbia, invited the governments of the provinces which had thrown off the Spanish yoke, to join in a general congress at Panama, and some steps were taken to effect it, but without success. At the end of the next year the invitation was renewed, and all the governments accepted it, excepting Buenos Ayres. Next spring, the government of the United States was invited to send representatives to Panama, and John Quincy Adams replied, that although the United States would take no part in the war with Spain, or in deliberating on the manner or means of carrying it on, he believed that such a congress might be serviceable, by giving authority to some important principles of public law, arranging matters of great interest to the whole of the New World, and promoting a friendly intercourse between the various republican governments which had been formed here.

The most pressing object of the contemplated congress was the consideration of matters of interest to the belligerents exclusively. And in subordination to this, all questions of international law were to be discussed; and it was proposed by the Spanish American republics, to prevent further colonisation in America by any of the European powers. Mr. Seward says that this congress "has been believed by some to have been called for the purpose of opposing a supposed project, entertained by the allied powers of Europe, of combining for the purpose of reducing the American republics to their former condition of European vassalage. Be this as it may, the Panama Congress, among its objects, aimed at the cementing of the friendly relations of all the independent states of America, and the forming of a kind of mutual council to act as an umpire to settle the differences which might arise between them."

In his first Message to Congress, the President thus reported his reception of Bolivar's proposal. "The invitation has been accepted, and ministers on the part of the United States will be commissioned to attend at those deliberations, and to take part in them, so far as may be compatible with that neutrality, from which it is neither our intention, nor the desire of the other American states, that we should depart." This announcement was followed by the nomination



of Richard C. Anderson and John Sergeant as commissioners to the congress, and William B. Rochester as secretary. The Senate, after a long discussion of the expediency of taking part in this congress, in the course of which the members of the opposition attacked the administration in the most rancorous manner,—it was out of this debate that the duel between Clay and Randolph sprang,—approved the nomination of the commissioners. In the House of Representatives, also, the subject was fully discussed; but greater decorum was manifested by the opposition. In the end, however, the necessary appropriation was voted,—the arguments and oratory of Daniel Webster proving unanswerable.

The great heat which was evinced upon this affair, arose entirely from the party-spirit with which it was taken up; the proposal itself involving not one of the matters which the opposition professedly contended against, as contained or implied in it. Benton's praise of the "firmness of the minority" in behalf of "the old United States' policy," and against the "Monroe doctrine," is therefore baseless. But, most remarkably, it happened that no representative from the United States ever appeared at that congress. For the debates in the House of Representatives were so protracted that it was impossible for Sergeant to reach Panama in time for the meeting; although it had been postponed from October, 1825, to Midsummer in the year following. Anderson, who was minister at Columbia, as soon as he received his instructions, set out for Panama; but on reaching Carthagena, he was attacked by a malignant fever and died. Poinsett, the ambassador at Mexico, was then appointed in his place, and he with Sergeant immediately prepared to be present when the Congress should re-assemble in February, 1827, at Tacubaya. It did not, however, meet at the appointed time, and Sergeant, therefore, returned to the United States. This project was never afterwards revived; the internal troubles of the South American republics, and the strong suspicions which were entertained respecting the designs of some of their leaders, occupying the attention of those who were most interested in such a scheme.

On the last day of John Quincy Adams's tenure of power, in compliance with a vote of Congress, copies of the instructions given to the commissioners to Panama were supplied to both the Houses; and after a time, but without legislative sanction, were published. It does not appear, in the least, to justify either the hopes of those who were in favour of this congress, or the fears of those who were opposed to it. Few more futile expectations, surely, could ever have been entertained than such as we find expressed in these "instructions." From an assembly of such delegates as the South American republics could furnish, the enunciation that "free ships should make free goods," either in that, or in the "more liberal and extensive" form,—that "war against private property and non-combatants upon the ocean" should be abolished,—or "a definition of blockade," which Adams desired, would scarcely be accepted by the powers whom the United States might most wish to receive them; nay, they would not be accepted even by the citizens of the United States themselves, if the experience of the last war, and of the unauthorised expeditions undertaken since the war, might be regarded as indications. And if their decisions should not be accepted voluntarily, it might reasonably be asked, of what use they could possibly be,—for how could they be enforced?

It is worthy of remark, that in this document the future disposal of "Cuba and Porto Rico, the former especially," is discussed. "For ourselves," it says, "we desire no change in the possession or political condition of that island; and we could not with indifference see it transferred from Spain to any other European power. We are unwilling to see its transfer or annexation to either of the new American states." In which we see, as plainly as in Jefferson's letter to Adams' predecessor, a craving for the annexation of Cuba to the United States, worthy of "the Order of the Lone Star" itself.

With these new sister states, the relations of the United States were not always pacific. The old controversy respecting blockades (formerly carried on with Great Britain) was revived by a proceeding of the Emperor of Brazil, who, in the course of his war against Buenos Ayres, had blockaded the mouth of the Rio de la Plata. The United States trading vessels were, of course, excluded; but as the Brazilian navy was not of first-rate efficiency, the harbour was often closed in name alone, and the traders from the north, allured by the prospect of enhanced profits, would run the risk of capture by breaking the blockade. Captures were consequently made, and vessels were detained on the high seas because they were destined to the blockaded port, and an angry discussion ensued between the American ambassador at the Brazilian coast and the minister of foreign affairs there. At first the government of the new empire gave way, for the ambassador was supported by the presence of a naval force, but afterwards, some new captures having been made, in spite of all the engagements entered into to the contrary, the envoy abruptly left his station.

This unauthorised step threatened to embarrass the pending negotiation very seriously; for the executive was unable to follow it up without the sanction of Congress, had it been justifiable; and it seemed not to be justified by the emergency of the case, for the Brazilian government preserved a mild and conciliatory tone, and the only real ground of complaint was the delay in adjudicating respecting the captures. Happily for the United States, the emperor hastened by a special messenger to assure the government of indemnity for all illegal captures, and redress for all injuries sustained by citizens of the states from his measures. Whereupon, diplomatic intercourse was renewed.

How General Jackson invested himself with power, both legislative and executive, and made war against Spain upon his own authority alone, and was almost universally applauded for the deed, we have before shown. Now we have seen an ambassador assuming similar functions, and barely escaping the implication of his government in hostile relations with the country to which he had been sent with pacific intent.

But we must turn from these subjects, to notice the relations of the United States with Great Britain. Yet, first, it is necessary to glance at a convention concluded with Russia, one article of which provided that thereafter,—the date was April the 5th, 1824,—no establishments should be formed by citizens of the United States, or under the authority of the government of the Union, upon the northern, or rather north-western coast of America, beyond 54° 40' north latitude; nor any formed by Russian subjects, nor under the authority of Russia, to the south of that parallel. It would seem that the contracting powers both forgot the claims of Great Britain to that part of the American continent.



we shall see that this forgetfulness was not without its consequences in the relations between Britain and the United States, in after years.

Adams' last act, as ambassador at London, from which post he was recalled to be Secretary of State, was the signature of a convention by which the question of the armed force to be maintained by each power upon the lakes was settled; but all the other matters in dispute were left as undetermined as ever. The promise of friendliness given hereby was, however, speedily and rudely broken; and near the close of the first subsequent session of Congress, an Act was passed prohibiting the entrance, into the ports of the United States, of any British vessel coming direct from the ports of any colony of Great Britain, from which American vessels were excluded. This was called a "retaliatory Act," and was extended at a subsequent session so as to include all places in British America and the West Indies. It was intended to compel Great Britain to accept the terms of a commercial treaty, dictated by the United States: but it necessarily failed to produce the desired effect. For, not only was it merely a voluntary diminution of the trade of the United States, and therefore could not much concern Britain, but it was a contest in which the weaker was endeavouring to coerce the stronger; and, as we have shown before, America not only demanded the privileges of British colonies, after she had thrown off her dependence upon Britain, but also required valuable commercial advantages from her antagonist, for which she had not the least pretence of an equivalent (as both esteemed it) to offer. But it was an unwise and unworthy contest, as to the spirit and the objects aimed at, on both sides.

Meantime, the commissioners appointed under the treaty of Ghent were prosecuting their negotiations; and soon a few more points were held to be settled, and another convention recorded them as law. The commercial convention was prolonged for ten years from October, 1818; the northern boundary of the States, or rather of their Louisiana purchase, was fixed at the forty-ninth parallel of north latitude, between the Lake of the Woods and the Rocky Mountains; to the west of that chain, the Oregon territory was to be jointly occupied for the next ten years; nothing could yet be determined respecting the north-east boundary, but it was agreed that the possession of the islands in Passamaquoddy Bay should be as it was before the war; and the boundary line along the lakes and the St. Lawrence was nearly completed. The stringent regulations respecting the fisheries in the British waters in North America were somewhat relaxed; but vessels of the United States were not allowed to fish within three miles of the shore. As to the "deported slaves," the commissioners could come to no conclusion, and an arbitration being agreed to, the Czar of Russia was chosen as arbitrator; who, being a larger slave-holder than all the slave states, decided in favour of the American claim, which was in 1827 fully discharged. The subject of impressment was not noticed in this convention; showing either that America had not been so victorious in the second war as was alleged, or else that her negotiators were not greatly in earnest on that head.

Neither was any change made in respect of the trade with the West Indies; as yet, "retaliation" and negotiation alike failed to accomplish that. In the United States themselves, there was a strong party opposed to the "retaliatory" policy,—the southern or agricultural democrats who had produce to export, but

no shipping. In the first session of the seventeenth Congress, "the President was authorised by statute to declare the ports of the United States open to British vessels from the colonies, on satisfactory evidence being given that the ports in the British West Indies have been opened to the vessels of the United States." That invitation was so far responded to by the British parliament, that in the next session certain sections of the prohibitory Act were suspended, "and the ports of the United States were declared open to British vessels from the ports in the British colonies and West India islands named in the Act." But the removal of the restrictions by Parliament and Congress too was so insufficient, and the manner of doing it evinced so little good faith, that it could not be conclusive, nor lead to a safe and honourable conclusion.

Accordingly, we find the negotiations continued without bringing the parties even to an approximation to accord. The demands of the United States were still the same that had been vainly urged through so many years; the designs of Great Britain had undergone no change. Had America contended for a principle in regard to trade, not only might the immediate result have been vastly different, but Great Britain might all the sooner have attained the convictions on free trade, which in late years have been embodied in her legislation. But then and (we must regretfully add) now, the free trade demanded by the United States was freedom to participate in the British colonial trade, without being able to offer any compensating advantage to Great Britain.

Happily, we are not required to trace the course of economical and legislative blunders committed by Great Britain at this time, for the sake, as she thought, of retaining undivided possession of the trade with her colonies; neither need we unfold the injury inflicted upon those colonies by means of these mistakes. The "Annual Register" thus sketches the series of movements up to this time. "American vessels had been excluded from the colonial trade. This produced, on our part, the discriminating tonnage duty, and finally our own ports were shut against British vessels coming from the colonies. The northern colonies were then thrown open, in order to secure the greater share of the transportation by the indirect route. This caused a prohibition of any British colonial produce, except directly imported from the place of its growth. The colonial ports were then opened to American vessels, but they were confined to the direct trade. Our ports were opened to British vessels from the colonies, and they also were confined to the direct trade. The duty in favour of produce from the northern colonies was met by a continuance of the discriminating tonnage duty."

In July, 1826, appeared an order in council, once more closing the colonial ports against vessels of the United States, unless the conditions of one of the navigation Acts of the preceding year were complied with. And a warm and fruitless correspondence ensued between Gallatin, who now represented the United States at London, and Mr. Canning. Congress also fruitlessly discussed the whole question at the following session. John Adams, therefore, by virtue of the powers vested in the President by an Act passed in the time of his predecessor's administration, on the 17th of March, 1827, proclaimed the closing of the United States' ports against vessels from the British colonies.

Neither government, during the remainder of the period now under review, would take any step, either by negotiation or legislation, to terminate this state



of things. The American tariff laws, and particularly that of 1828, directed as it manifestly was at the trade with Britain, and the way in which the enhanced duty on woollens was met there, added to the irritation in both countries; and discussions about the right to navigate the St. Lawrence, and respecting the fortification of the frontier line of the Canadas, which was ordered by the British government, greatly aggravated that unfriendly feeling.

A treaty of navigation and commerce with France was concluded in 1822, and ratified in the following year. But Adams illustrated his administration by the formation of these serviceable and unentangling alliances. "More treaties were negotiated" in the four years of his presidency, "than during the six-and-thirty years through which the preceding administrations had extended." Austria, Sweden, Denmark, the Hanseatic League, Prussia, Columbia, and Central America, entered into new connections of amity, navigation, and commerce with the Union; and difficulties of long standing were satisfactorily disposed of with the Netherlands and other European governments, and with Brazil. Great Britain was the glaring exception to this course of prosperous commercial diplomacy; yet there, as we have seen, the gloom was not entirely without some gleams of hope to enlighten it.

There remains but one other subject to be mentioned, and this we place here chiefly because it is so closely connected with the successful prosecution of commerce; but also because it furnishes another illustration of the real quality of that patronage of trade which had been affected by the dominant party from the time when Jefferson began to complain of British spoliation, and to excite the nation to war. In his first annual Message, Adams recommended the establishment of an observatory, insisting upon the disgraceful fact that, whereas there were upwards of a hundred and thirty in Europe alone, there was not one in the entire continent of America. The navigators of the United States depended upon the astronomical observations of Europe; their own country afforded them no assistance of this kind, although it was of such vital importance to a commercial nation. Unfortunately the President couched his recommendation in phrases more than usually euphuistic, and designated these observatories "lighthouses in the skies." This afforded the opposition a cheap means of rejecting the proposition, and it was laughed out of Congress by the party whose notions of maritime affairs seem to have been derived exclusively from the buccaneers of the Spanish main. In due time (for the suggestion was premature) not only was a national observatory set up, but scientific observers of the United States "returned light for light" to Europe, by communicating to her the invaluable notes of Lieutenant Murray upon oceanic currents, and by taking the lead in a combination for the purpose of verifying and extending the information he had obtained respecting those natural agencies which are such powerful helps or hindrances to navigation.

## CHAPTER IV.

STATES OF ILLINOIS AND MAINE.—CONVENTIONS AT BOSTON, CONNECTICUT, AND ALBANY.—TERRITORY OF MICHIGAN.—THE PRESIDENT'S TOUR.—GENERAL PROGRESS OF THE COUNTRY.

IN the first session of Congress under Monroe, an Act was passed authorising the territory of Illinois to hold a convention for the purpose of framing a constitution, with a view to its immediate admission into the Union as an independent state; and in the summer of 1818 action was taken upon that authorisation, and preparations were made for casting off the condition of political pupilage. The constitution adopted was formed, as we should expect, upon the model of that of the sister state of Indiana, the principal difference being, that the term of office for executive and senators alike was fixed at four years, and half the senate going out every two years; for which period the representatives were elected. Though not a slave state, the privileges of citizenship were restricted to white males above twenty years of age, residents in the state for six months before an election. The General Assembly was to be convened every other year, regularly; the governor having power to assemble it at other times, if occasion should arise.

At the next session of Congress, on the 3rd of December, 1818, this constitution was approved by the Federal legislature, and a new star for Illinois was added to the banner of the United States.

Missouri also, as we have related in an earlier chapter, was admitted to the Union during the period we are now treating of; but, as we have seen, contrary to the "compromise," which had fixed the northern boundary of the slave states at the parallel junction of the Ohio with the Mississippi, the slave-holders contrived by another "compromise" (in its turn destined to fall before their audacious aggression) to sever this state from the Northern section of the confederacy, and secure it as an advanced position, a detached fort, in the midst of their antagonists' lines. Of Missouri, therefore, we speak further in the next chapter.

One other state, to the north of "Mason and Dixon," was, however, admitted into the Federal unity now—Maine; and its introduction was, as our readers will remember, by the southern statesmen, made conditional on the conversion of Missouri into a slave state.

For a hundred and fifty years this, the north-eastern extremity of the United States' territory, had been under the jurisdiction of Massachusetts, as a sub-province first, and afterwards as an out-lying district of its sovereignty. The inhabitants, whose commercial activity imparted to them as intense a love of independence as could be found in the whole nation, again and again endeavoured to procure from Congress authority to make a constitution for themselves, and erect their tract into a separate state. We have noted, as we have proceeded, some of these efforts, and the failure of them.

Since the war the subject had been mooted afresh, the aspect of the times appearing very strongly to favour the aspirations of the good men of Maine after



self-government. Bordering upon the British provinces, and being brought into collision with the authorities of the old country by means of an unsettled boundary dispute, and their unadmitted claims to share the profits of the British fisheries, we are not surprised to learn that democracy reigned there; for mis-Anglicism, we know, was one most prolific source of strength to the Jeffersonian party. Massachusetts itself, farther removed from the border, less recently settled, and so in habits more closely resembling the fatherland, connected with it, moreover, by the ties of a lucrative trade, was essentially and intensely Federalist. How constant a source of grief to the patriots of Maine this subjection to the "Anglomen" of Boston and "the Essex Junto" must be, the most indifferent of our readers can with sympathy conceive. Up to the time when war was declared by Madison, to secure his re-election to the presidency, the Federalists had always strength enough to prevent or suppress the rising spirit of Maine. But during the war, Federalism fell rapidly to decay; the "Hartford Convention" was its last struggle for life, and under the soporific influence of Monroe's administration, with Clay for leader in the House of Representatives, it quietly died out. This was the opportunity Maine had been waiting for, and with happier omen it now renewed its demand for independence.

But not only had Federalism ceased to be a living and operative political principle; Republicanism (or Jefferson's democracy) had shared the same fate. Like the two leaders of the once opposing factions, Jefferson and John Adams, the spirit of both was growing old, and bade fair to expire at the same time. And in the interval, it was no longer by considerations such as had swayed the Federalists and their rivals, but by merely incidental and temporary ones, that political matters were ruled. Thus it happened that when Maine put forward its undoubtedly just claims to be a distinct unit in the confederation, the question which was in the ascendant was slavery; and Congress was in the thick of the fight over the Missouri business. It ought to have occasioned the politicians of Maine some astonishment, and at the same time imparted to them, and to others also, great instruction,—that they found the northern states (which had been so Federalist) generally in favour of this claim, and the southern states (which had been democratic, generally, like themselves) opposed to it.

The legislature of Massachusetts, for to this state the suzerainty of Maine belonged, authorised the holding of a constituent convention, having first ascertained that the majority of the people of the district desired separation. And in the fall of 1819, a constitution, in its chief features closely resembling that of the mother state, was formed and adopted. By it the right of voting was allowed to all men of one-and-twenty, excepting paupers, persons under guardianship, and Indians not taxed; resident in the state for three months. Money qualifications for holding offices were not admitted; and the maintenance of religion was thrown wholly upon the voluntary principle. The governor, senate, and representatives were all to be chosen annually, and by the people directly. Limits were set up for the numbers of the two houses, which were to be constituted as "the Legislature of Maine." A truly democratic provision controlled the executive, by a council chosen, not by himself, but by the legislature.

Little debate occurred in the House of Representatives respecting the admis-

sion of Maine into the Union; but in the Senate, as has already been told, there was appended to the bill a provision for the admission of Missouri. We will not repeat in this place the story of this contest, but merely remind our readers that, by dint of great exertions, the northern men compromising their professed abhorrence of slavery out of regard (they said) to the Union—and earning thereby the epithet “dough faces” from John Randolph—it was arranged that Missouri should be a slave state, and Maine admitted into the confederation. This Act respecting Maine became law on the 3rd of March, 1820, the day before the time granted by Massachusetts expired.

At the end of this same year a convention met at Boston, for the purpose of effecting such alterations in the constitution of Massachusetts as the separation of Maine might have rendered necessary, or at least have afforded a safe opportunity for. It commenced on the 27th of November, and rose on the 9th of January following. John Adams was there, delegated by paternal Quincy,—it was his last public effort; the convention would fain have made him its president, but he declined the honour, and Chief-justice Parke was chosen. And Daniel Webster, although he had been but a few years a citizen of the Bay State, was one of the most distinguished and efficient members of the convention. Webster strongly recommended the abolition of the quasi-religious test for office, which seemed to be provided by the established oaths and declarations; but the ecclesiastical feeling was too powerful for his influence, even when it had the whole spirit of American freedom to support it. He also contended for the admission of property as one “basis of the senate;” a “principle which was incorporated into the original constitution;” but although he deduced from it “the practical consequence,”—“that constitutional and legal provision ought to be made to produce the utmost possible diffusion and equality of property,” he contended in vain; the genuine feeling of democracy was too powerful. In another address, on the “Independence of the Judiciary,” which appears to have been delivered almost unexpectedly, the true principles of the party he was afterwards so intimately associated with, as distinguished from the party which sprang out of Jackson’s opposition to John Quincy Adams, and was the real successor to the old republicans, are developed. And he adroitly appealed to the early history of the state in demonstration of the baneful effect on liberty, which was produced by making the judges dependent on the sovereign will. The tendency of the legislature, both in the states and in the confederation, to arrogate to itself authority over the other co-ordinate members of the government, has been noticed, and might be looked for without any such intimations as the general disposition of individuals, of the republican and democratic parties, to set themselves, personally, above all the constituted law and authority of the nation. It was against this that Webster set himself, pleading with the representatives of the people in behalf of the only barrier which uniformly, in the long run, has sufficed to keep out homesprung tyranny: with what success the sequel will show.

Connecticut, at the time when the other provinces, as they cast off their dependence upon Great Britain, organised themselves as states, with constitutions specially constructed, did not summon any constituent convention, but continued to carry on its government on the basis of the charter granted to it



by Charles II. of Great Britain. Amongst its politicians, there could not fail to be some who regarded this as a serious deficiency. They might even have regarded it as ominous of evil, with respect to the permanence of their liberty, that it was not shielded and supported as the independent sovereignty of the other states was. At length, in 1818, circumstances (which we need not specify) occurred, by which the advocates of a written constitution were enabled to procure a convention for the express purpose of assimilating Connecticut, in this particular, to the rest of the members of the Union. In August this body met, and in the following October the result of their labours was solemnly ratified by the people. But it must not be supposed that this change partook, in any measure, of the nature of a revolution. The constitution really was little more than the old charter slightly modified, cast into a new form, and invested with new sanctions.

The right of voting at elections, which here, as in other states, seems to be considered the typical act of citizenship, was restricted to white men (though it was a New England state) of twenty-one years old, who had gained settlements, and possessed freehold estates worth seven dollars per annum, in the state, and who had resided for six months before an election in the towns wherein they sought admission as electors, or had served in the militia, after being enrolled, for the year before an election, or being liable so to serve, had been legally excused; or had paid any state tax in the year before an election, and were good moral characters;—upon taking an oath prescribed by law. A scheme of citizenship, this, which is far from realising the idea of democracy, and shows, most remarkably, the influence of the early history of the state.

A governor, annually chosen, was to be the executive officer. And a lieutenant-governor, to take his place if removed, but otherwise to preside in the Senate, was likewise chosen year by year, at the same time. "The General Assembly" was to consist of a Senate of eighteen members, and not exceeding twenty-four; and of a House of Representatives from the towns, or townships, of which the older ones sent two, the rest one each. The members of the legislature were also to be chosen yearly, and at the same time with the governor. One session of the Assembly was to be held every year. The judiciary received its appointment from the General Assembly, and consisted of a Supreme Court of Errors, a Superior Court, and whatever other inferior courts the legislature might determine. Under the age of seventy, the judge's office was during good behaviour.

"No person is compelled to join, or to support, or to be classed with, or associated to, any congregation, church, or religious association. But every person may be compelled to pay his proportion of the expenses of the society to which he may belong: he may, however, separate himself from the society, by leaving a written notice of his wish with the clerk of such society." We cannot forget the virulent animosity displayed by the author of the suppressed "History of John Adams' Administration," and by the historian of the "Second War against the religion of Connecticut;" and we profoundly regret that so much ground for that animosity should have been afforded by this convention, when it was possible to remove every cause of suspicion concerning the truth

and earnestness of the people of the state in this momentous matter, although it was undoubtedly a great step in advance, which even this remarkable provision indicates. We may note here that a similar step was taken by another New England state, New Hampshire, in 1819, by an Act of the legislature.

Our readers will readily call to mind the character of the political contests in the state of New York, which one writer we quoted summed up in the word "atrocious." In various quarters the opinion was expressed that a revision of the constitution was extremely desirable, as it might remove many of the occasions of that fierce hostility between the political parties, if it could not eradicate its causes. Three points especially required alteration,—the limitation of the right of suffrage, the mode of making appointments to offices, and the power of revising the acts of the legislature vested in a council. When the governor, Dewitt Clinton, opened the session of 1821, he recommended the holding of a convention for the purpose of effecting the changes which appeared to be so desirable. To this advice the legislature responded by passing an Act directing the election of delegates for such a convention; but, as it appeared to Clinton, assumed that the sovereignty vested in it, and not in "the people convened in their primary assemblies," wherefore it was returned, by the Council of Revision, by his casting vote, and a new law was framed, submitting the whole question of the convention to the direct vote of the people. The governor was represented as hostile to the proposed amendment in consequence of this measure, and a more prominent place in the public favour was assigned to others, who only shared with him the task of giving utterance to the universal wish.

The result of the appeal to the people was the resolution to hold a convention; and delegates were chosen without delay. On the 28th of August, 1821, they met at Albany, and the whole state awaited with hushed expectation the fruit of their deliberations. No limits were assigned either to the nature or the extent of the amendments they might resolve upon; but they were to become part of the constitution only by the subsequent assent of the people themselves.

Amongst the changes effected by the convention were the following. The council of appointment was abolished, and the power it had held was transferred to the governor, to be exercised with the concurrence of the senate. The council of revision was also abolished, and the veto given to the governor; but a vote of two-thirds of the members of both houses might reverse it. The right of suffrage was granted to "white male citizens" (so that it was understood there could be *citizens without votes*), twenty-one years of age, inhabitants of the state for twelve months, and resident in a county six, preceding an election. Payment of taxes, performance of military duty, and working on the highways, were also proposed as qualifications; and to the last two, Van Buren, democrat though he was, afraid of "cheapening this invaluable right," and refusing to "undervalue this precious privilege so far as to confer it, with an indiscriminating hand, upon every one, black or white, who would be kind enough to condescend to accept it," desired to attach the condition of being a householder. By way, we presume, of demonstrating the amount of their faith in the *dictum*, "all men are born free and equal," which was, of course, frequently cited in the debates, it was determined that no man of colour should be entitled to vote unless possessed of freehold estate of the yearly value of two hundred and fifty



dollars, without encumbrance. Van Buren approved this restriction of the freedom of blacks, on the ground that "they would not exercise the right of suffrage in its purity." As a compensation for this curtailment of their privileges, they were exempted from taxation to the same extent.

The nomination of the chancellor and the judges was given to the governor, the consent of the senate being required for their appointment. The attainment of sixty years of age was the furthest limit of the office of the chancellor, and the justices of the supreme and the circuit courts, and during good behaviour within that term; but five years was the period of office for judges of county courts, and courts of common pleas.

Michigan territory, we observe, in 1819, authorised to advance to the second grade of territorial government; when its interests were watched and expounded in Congress by a delegate, and some of the responsibility and honour of self-government were laid upon its citizens.

Attempts were made in several other states of the North, to revise and amend their constitutions, but without success.

It is not necessary to detail all the incidents of President Monroe's northern tour. It may suffice to state generally, in the words of a contemporary annalist, that "his approach to a particular town being announced, the best lodgings were provided, to which he was escorted by the civil and military authorities, and citizens of the place. A committee of arrangements was appointed, who selected one of the ablest and most accomplished of their number, to deliver a congratulatory address. These were more or less polished, flattering, or bombastic, according to the talents and feelings of their respective authors. The objects of all were the same. They bade the President a cordial welcome to their town or village; expressed their high sense of the honour he had done them; complimented him on his past services and exertions for the public good; congratulated him and themselves on the national prosperity and its future prospects; expressed their confident expectation of a wise and impartial administration under his auspices; and wished him a safe and prosperous journey, and a long and happy life. These were answered with as much variety as the ingenuity of the President could suggest, but always with a reciprocation of good feelings; by a notice of any important event to the honour of the place, if any was within his recollection; by many thanks to the citizens for their civilities, and to the committee for the polite manner in which they had been communicated; and by a profusion of good wishes for the prosperity of the town.

"A sumptuous entertainment was then provided of the best the city afforded, at which the President occupied the chief seat, and the citizens arranged themselves on each hand, nearer or more remote, in proportion to their respective dignities. The entertainment was concluded with appropriate sentiments. Mr. Monroe received upwards of fifty of these civilities in the course of his journey. And though to an old man upwards of sixty, more accustomed to the dull routine of business than the hilarities of a feast, they became irksome, yet he went through them with a good degree of *éclat*. His looks, words, and actions were favourably interpreted, and afforded a fertile subject of conversation for a considerable time after his departure."

At New York the local society of Cincinnati addressed him, to his "heart-

felt satisfaction," he said ; for he considered it " impossible to meet any of those patriotic citizens, whose valuable services were so intimately connected with the Revolution, without recollections which it was equally just and honourable to cherish."

How he was received at Boston,—which had been the ground of much speculation beforehand, because Massachusetts had opposed his policy when he was at the head of the War Department under Madison, had voted unanimously against him at the presidential election, and had, indeed, always been in antagonism to him,—we must show from the account of the writer already quoted :—" Governor Brooks," he says, " directed his first aid, Colonel Sumner, to meet the President at his entrance, attach himself to his suite, and attend him through the state. Major-General Crane was directed to procure a suitable military escort. The inhabitants of the town of Boston chose a large committee of both political parties, to make the necessary arrangements for his reception. The discharge of a park of artillery, and the ringing of bells at twelve o'clock on the 2nd of July, announced his arrival at the entrance of the town, where he was met by the committee of arrangements, and escorted through the principal streets by a procession of citizens of more than a mile in length, to a suite of rooms provided for him at the Exchange Coffee House. He remained at Boston until the 8th of July (thus spending Independence-day at the birthplace of the Revolution), viewing the various objects worthy of notice in the metropolis of New England and its vicinity, and receiving and reciprocating the compliments of his fellow-citizens, each striving to obliterate party distinctions in the general festivity of the occasion. The scene had a happy effect in harmonising the citizens ; to the President it was a high gratification to be recognised and treated as the chief magistrate of the whole nation, in the midst of his political opponents ; and to Europe [could she have spared time to see the sight] it [would have] presented the imposing aspect of a united and powerful commonwealth."

The reception of La Fayette at New York occurred at this time. The Franco-American patriarch had what the Americans call an " ovation " in this great city, from whence he proceeded to Boston to lay the foundation-stone for a monument at Bunker Hill, to commemorate the famous battle there and the death of General Warren. Daniel Webster on this occasion displayed a potent oratory, that was never listened to by a multitude more vast. To add to the impressiveness of the occasion, it was the fiftieth anniversary of the fight, June 17th, 1825 ; and thus has the scene been described :—

" This celebration was unequalled in magnificence by anything of the kind that had been seen in New England. The morning proved propitious. The air was cool, the sky was clear, and timely showers the previous day had brightened the vesture of nature into its loveliest hue. Delighted thousands flocked into Boston to bear a part in the proceedings, or to witness the spectacle. About ten o'clock, a procession moved from the State House to Bunker Hill. The military, in their fine uniforms, formed the van. About two hundred veterans of the Revolution, of whom forty were survivors of the battle, rode in barouches next to the escort. These venerable men, the relics of a past generation, with emaciated frames, tottering limbs, and trembling voices, constituted a touching



spectacle. Some wore, as honourable decorations, their old fighting equipments, and some bore the scars of still more honourable wounds. Glistening eyes constituted their answer to the enthusiastic cheers of the grateful multitudes who lined their pathway and cheered their progress. To this patriot band succeed the Bunker Hill Association. Then the Masonic fraternity, in their splendid regalia, thousands in number. Then La Fayette, continually welcomed by tokens of love and gratitude, and the invited guests. Then a long array of societies, with their various badges and banners. It was a splendid procession, and of such length, that the front nearly reached Charlestown bridge ere the rear had left Boston common. It proceeded to Breed's Hill, where the Grand Master of the Freemasons, the President of the Monument Association, and General La Fayette performed the ceremony of laying the corner-stone, in the presence of a vast concourse of people. The assembled multitude then proceeded to a large area, occupying nearly the whole north-eastern side of the hill, where seats had been placed in the form of an amphitheatre, capable of accommodating an immense number of persons. In the centre of the declivity, upon a stage erected for the purpose, the orator pronounced *sub dio* an address, which equalled the high expectations awakened by the occasion, and which already bears an established character in the classical literature of our country. . . . . The oration and other customary exercises of the day being concluded; invited guests and others, who provided themselves with tickets, dined under an awning, at tables set on one side of the battle hill, for between four and five thousand persons, and completely full."

"Let the sacred obligations," said Webster, on this memorable occasion, "which have devolved on this generation, and on us, sink deep into our hearts. Those who established our liberty and our government are daily dropping from among us. The great trust now descends to new hands. Let us apply ourselves to that which is presented to us, as our appropriate object. We can win no laurels in a war for independence. Earlier and worthier hands have gathered them all. Nor are there places for us by the side of Solon, and Alfred, and other founders of states. Our fathers have filled them. But there remains to us a great duty of defence and preservation; and there is opened to us also a noble pursuit, to which the spirit of the times strongly invites us. Our proper business is improvement. Let our age be the age of improvement. In a day of peace, let us advance the arts of peace and the works of peace. Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered. Let us cultivate a true spirit of union and harmony. In pursuing the great objects which our condition points out to us, let us act under a settled conviction and an habitual feeling that these twenty-four states are one country. Let our conceptions be enlarged to the circle of our duties. Let us extend our ideas over the whole of the vast field in which we are called to act. Let our object be, **OUR COUNTRY, OUR WHOLE COUNTRY, AND NOTHING BUT OUR COUNTRY.** And, by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of wisdom, of peace, and of liberty: upon which the world may gaze with admiration for ever!"

Another scene, illustrated by the same splendid oratory, was the anniversary of the landing of the Pilgrim Fathers, as it was observed in 1820. Few of Webster's efforts were marked with greater felicity and spirit, or enforced so powerfully the moral of his theme. We must also pass by the funeral of John Adams, and the visit to the eastern states of John Quincy Adams, then President, which followed it. Neither can we stay to record the opening of the great Erie canal, although of it we read, "Our country has never witnessed any ceremony accompanied by such pomp, nor one which diffused in every breast such unmingled feelings of gratification. All feelings of party spirit were suspended, and even the bitterness of present animosity was for a moment neutralised."

It will not be needful here to show how the state parties were affected by the movements of the national parties; in an earlier book, we have spoken of the virtual absorption of the former into the latter—the local interests, which had been the grounds of party divisions in the colonies, becoming of comparatively small importance after the independence of the country was accomplished. One or two instances of the action of the states individually, on questions of national moment, will suffice for the illustration of this part of our subject.

Henry Clay's scheme of protection to American manufactures, in spite of his connection with the southern section of the states, was decidedly northern in its character; as we might indeed anticipate, Kentucky being, in fact, a border state. And thence arose the hot sectional contest respecting the tariff bills introduced into Congress during these two presidencies—for protection, not for revenue. As soon as the woollen's bill was rejected by the Senate, in the second session of the nineteenth Congress, steps were taken to bring the subject again before the general legislature; and the Pennsylvania Society for Promoting Manufactures and the Mechanic Arts, "an institution of considerable standing and great respectability," called on the farmers, manufacturers, and friends of the "American system," to hold meetings in their several states, and appoint delegates to a general convention at Harrisburg, on the 30th of July, 1827, to deliberate on the means to be taken for the encouragement of domestic industry. This proposition was very generally acceded to in the North, and local conventions were holden at the capitals of the several states, at which men of the highest standing, worth, and influence were appointed as delegates to the Harrisburg convention.

At the time appointed, a hundred delegates, from thirteen states,—New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, and Kentucky,—met there. Delegates were appointed by the state of Maine also, but being unable to attend, they addressed a letter to the convention, expressing their approbation of its objects. Owing to the shortness of the time between the proposal of the convention and the day fixed for holding it, the more distant states were not represented; yet, excepting from Indiana, Illinois, and Missouri, delegates from more than parties in states could scarcely have been expected; and, in fact, a counter-convention was held at Columbia, in South Carolina. The manufacturing interests of the North, and those of the growers of wool, were very fairly represented at Harrisburg, but no honest partisan even could pretend that the agricultural interest could either speak or be heard there.



There was collected, no doubt, as large a number of well-informed business men as could easily be got together, but the statesmanship of their leaders is questionable.

Joseph Ritner, of Pennsylvania, was made president of the convention, and Jesse Buel, of New York, with Frisby Tilghman, of Maryland, vice-presidents. Committees were then appointed to inquire into the state of the wool-growing and wool-manufacturing business; into the state of the manufactures of iron, hemp, flax, glass, copper, and cotton; the propriety of affording further protection to home-distilled spirits; and the effect of domestic manufactures upon the commerce and navigation of the country; but we have no word about its agriculture. For five days did the convention sit, and then agreed on a memorial to Congress, praying for further protection to the national industry by an increase of the duties on woollen manufactures and on wool, and for an increase of the duties on manufactures of hemp, flax, and cotton, and on iron, steel, and distilled spirits. A committee was also appointed to prepare and publish an address to the people of the United States, on the subject debated in the convention.

It is most probable that little influence was exerted upon the decision of Congress respecting the Tariff Act, which was passed at the following session by this convention; but we cannot subscribe to the opinion of Senator Benton, that it and the periodical recurring protection tariffs were only electioneering stratagems, intended to tell at the next ensuing presidential election. It seems rather to have been a movement of self-preservation; for in the North the conviction was strong—being modified only in the places where mercantile interests prevailed—that without protection, American manufactures could never grow up into a permanent source of national wealth.

Political contests are distinguished by one striking peculiarity—their heat and fury instead of being checked and diminished by the occurrence of events of a startling or absorbing nature, do but increase, like the fabled Greek fire, which burnt all the more violently on the application of water. And of this the political history of New York at this time furnishes a remarkable proof.

There was living, in no very flourishing circumstances, at Batavia, New York, in 1826, a bricklayer and stonemason, named William Morgan, a Virginian by birth, with a wife and two children. He was a freemason, and during the autumn of that year it was understood that he, having taken offence at the lodge to which he belonged, was preparing a book about the secret signs and ceremonies of freemasonry. Considerable excitement prevailed amongst the members of the order residing in that part of the country in consequence of this, and many efforts were made, but vainly, to induce him to relinquish his design. On the 8th of September a great number of persons assembled at Stafford, some six miles from Batavia, and in the course of the night they proceeded to Batavia for the purpose (as they said) of taking possession of Morgan's manuscript; but they found that the printer had made preparations to resist them, and they dispersed without committing any acts of violence.

Two days afterwards, on a Sunday morning, a summons was procured by a man named Chesebro, from a magistrate at Canandaigua, which is forty-eight miles distant from Batavia, against Morgan, on a charge of petty theft from one Kingsley; next day he was arrested and brought to Canandaigua, and in the

evening, being examined by the justice who had issued the warrant, was discharged, but immediately afterwards arrested again and committed to the jail in Canandaigua, by another warrant procured by Chesebro, on a new charge of a debt to a third person (but assigned to Chesebro), the whole amount, including costs, being under three dollars. Next evening, the 12th of September, between the hours of eight and nine at night, a man named Lawson came to the jail, and desired to pay the debt and release the prisoner; but as the jailer was absent, his wife would not allow him to do this until he brought with him a Colonel Sawyer, who promised that the jailer should not be injured by her giving Morgan up; she then took the money and gave Morgan up to Lawson.

As soon as Lawson had led him out of the prison, they were joined by some other men, and Morgan was seen struggling with them, and heard to cry "Murder," till a handkerchief was put over his mouth; a carriage, which was in readiness, then came up on a signal being given, and Morgan being put into it, was driven away with Lawson and the others. He was conveyed, as it was proved, late in the evening of the 13th, over the ferry at Youngstown into Canada; but the arrangements for his reception not being completed, or, as others said, the freemasons there not wishing to be implicated in the matter, he was taken back and put in the magazine in Fort Niagara (at which place a cell had been prepared in the jail for his reception by order of a gentleman from Batavia a week before), and there he was seen, when it was past midnight, on this 13th of September. Nothing more could be ascertained respecting him, and the universal belief was that he was very soon afterwards murdered.

This abduction and murder caused the greatest agitation and indignation in the state, and indeed in the Union generally. Public meetings were held in the region where the outrage had been perpetrated; committees of investigation were formed, and numerous petitions were presented to the government, which, though Clinton was a mason, exerted itself right zealously to discover the authors of the crime. The statute-book, unhappily, had omitted the definition of this offence, and consequently it could only be proceeded against as a high crime and misdemeanour." Several persons were tried in the course of the following years for conspiracy and abduction, and some were convicted and sentenced to fines and imprisonment.

In the New England states, the great subject of public interest from 1817 to 1828-9, was the promotion of internal improvement, by facilitating the means of inter-communication. Foremost among these stands the Erie Canal of New York, projected by Gouverneur Morris, but constructed by Dewitt Clinton, after the second war was over, in spite of "a powerfully combined opposition of party, of prejudice, and of ignorance." "On the 4th of July, 1817, the first excavation was made, and in October, 1825, the whole work was finished." It cost above 9,000,000 dollars. Pennsylvania—probably because a "board of canal commissioners" was appointed—exceeded all the states in this part of the Union in the number of projects which were entertained and undertaken now. Ohio (its circumstances being considered) fell behind none of them in the magnitude and importance of its canals. During the period to which our attention is now restricted, in New York alone was much revenue derived from this source.



Railroads were commenced in 1828; before that date tramroads were constructed for the transport of heavy goods and materials. But the real worth of this change was not yet known, the steam-engine not having been tried as a locomotive; and at the end of 1828 only the Quincy railroad, three miles in length, was completed, and it was employed solely to convey granite from the ledges to the tide-water.

Passing over several extensive classes of public works, which were now undertaken with great energy and success in this portion of the country, we will glance at the shipping—in which we should expect to find it pre-eminent. The whole tonnage of the United States in 1817 amounted to something more than a million and a quarter; at the end of 1827 the whole tonnage of the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, fell but a little short of the same amount. The tonnage of Boston district, at the end of 1827, was nearly a hundred and sixty-two thousand tons; that of New York exceeded three hundred and sixty-four thousand; and that of Philadelphia, ninety-five thousand tons. There is no southern district which can compare with these accounts, except Baltimore, and it shows no more than ninety-nine thousand tons, New Orleans and Charlestown not having even half so much. In the number of vessels, Massachusetts not only far exceeded every other state in the Union, but also the whole of the southern states taken together.

Steam-navigation was quite in its infancy, and the most noticeable fact respecting it was the case of Gibbons and Ogden, in connection with which Daniel Webster made one of his greatest forensic speeches. The state of New York had secured, by several acts of its legislature, the exclusive right of navigating all the waters within its jurisdiction, with boats moved by fire or steam, to Robert R. Livingston and Robert Fulton, for a term of years, which had not expired in 1824; and this right, so far as the navigation between New York and certain places in New Jersey were concerned, had been assigned by them to John R. Livingston, and by him to Aaron Ogden. But Thomas Gibbons had employed two steam-boats to run between New York and Elizabethtown, in New Jersey, in violation of that privilege; and had been, by the Court for the Trial of Impeachments and Correction of Errors of the State of New York, as well as by sundry inferior courts, forbidden to do so; wherefore he appealed to the Supreme Court of the United States.

Fulton's monopoly had been very prejudicial to the public good, by preventing the introduction of steam-vessels of the most improved construction; but this was a point of minor interest in the case, which turned upon the constitutionality of the grant originally made to Fulton. Congress had received, by the constitution, a power "to regulate commerce," which such a monopoly as this plainly infringed. "What is it," said the orator, "that is to be regulated? Not the commerce of the several states, respectively, but the commerce of the United States. Henceforth, the commerce of the states was to be a *unit*; and the system by which it was to exist and be governed must necessarily be complete, entire, and uniform. Its character was to be described in the flag which waved over it, *E PLURIBUS UNUM*. Now, how could individual states assert a right of commercial legislation, in a case of this sort, without manifest encroach-

ment and confusion?" Many years afterwards, at Savannah, Judge Wayne thus complimented Webster on the success of his argument:—"The court felt the application and force of your reasoning, and it made a decision releasing every creek, and river, lake, bay, and harbour in our country from the interference of monopolies; which had already provoked unfriendly legislation between some of the states, and which would have been as little favourable to the interest of Fulton as they were unworthy of his genius."

On the Lakes, in 1819, one solitary steam-boat, called "Walk-in-the-Water," after a famous Indian chief of that region, made a voyage to Mackinaw, to carry the American Fur Company's goods; and she repeated the trip in 1820 and 1821; but being wrecked near Buffalo in November of the last-named year, her place was supplied in 1822 by the "Superior." In 1826 and 1827 a steam-boat made a pleasure excursion to Green Bay, in Lake Michigan. And these were the commencement of this species of navigation here.

The whale-fisheries, as already remarked, were a considerable source of wealth to New England, and the sea-ports of the Atlantic states. In 1819 it appears that the great extension was made, which proved the foundation of the present lucrative condition of this branch of trade. In 1817 some thirty-two thousand and six hundred barrels of spermaceti were brought into the United States; in 1828 the number had increased to seventy-three thousand. The value of the sperm oil and candles exported in 1817 was 112,000 dollars; in 1828, it was 446,000. Much of this oil was procured in the Pacific Ocean. The average amount of fish procured from the coast of Labrador, the St. Lawrence, or the banks of Newfoundland, dried or smoked, and exported from the United States, was about two hundred and fifty thousand quintals, during the time we now speak of, and the value averaged about 1,000,000 dollars.

The value of the exports of Massachusetts, inclusive of Maine, in 1817, was nearly 12,000,000 dollars; in 1828 the exports of Massachusetts alone were 9,000,000; and those of Maine, 1,000,000 in value. New York State exported in the former year to the amount of 18,500,000 dollars; and in the latter year, of 22,750,000. Pennsylvania, in 1817, exported the worth of about 8,750,000 dollars; and in 1828, of only 6,000,000. The imports exhibited a similar fluctuation. And this is precisely what we should expect from the direction of the commercial legislation of Congress at this time.

Of the agriculture of this section we need say little, as it constituted quite a subordinate means of wealth, except in the ultramontane region; and there it was only partially developed. The mineral wealth of these parts, too, was but just beginning to be appreciated; the coal of Pennsylvania and Ohio was not worked with the energy that a demand for that fuel, for common household use, and for wider employment in manufactures, would have inspired. The salt-works form one of the most considerable sources of revenue in this way; and they were generally in the hands of the state governments.

In 1817 there were twenty-six banks in the state of Massachusetts, with an aggregate of capital amounting to 9,250,000 dollars; of these six were in Boston, with nearly 7,000,000 of capital, and the other twenty, with remainder of the sum, in other parts of the state. The deposits of the six Boston banks, in that year, were little less than 3,000,000 dollars; the specie exceeded 1,000,000 dollars,



and their circulation was very nearly 1,250,000. The specie of the other banks amounted to less than 550,000 dollars; the sum of their deposits was a little smaller than that of the specie, but the circulation was nearly 1,300,000. In 1828, there were sixty-one banks; sixteen in Boston, with an aggregate capital of above 12,250,000 dollars; and the rest in other parts of the state, with an aggregate capital of less than 7,000,000. The deposits in the Boston banks nearly reached the sum of 1,200,000 dollars, the specie was more than 650,000; but the circulation was almost 4,500,000. The other banks had deposits to the amount of 880,000 dollars, specie to the amount of 490,000, and their circulation exceeded 3,000,000.

Similar results are obtained by a comparison of the condition of the banks of other states. Thus, Rhode Island, in 1825, had fifty-three banks, with a capital of above 5,250,000 dollars, deposits amounting to nearly 770,000 dollars, above 460 dollars in specie, only 101,000 dollars in bills in circulation, but above 6,000,000 of debts due to them from directors, stockholders, and others. There were forty-seven banks in 1828, with above 6,000,000 dollars of capital, deposits exceeding 1,000,000, specie exceeding 350,000 dollars, and with nearly 900,000 dollars' worth of bills in circulation, and above 7,000,000 of debts as before. Connecticut had, in 1825, thirteen banks, with capital amounting to more than 4,600,000 dollars, above 1,500,000 in specie, deposits, and cash in hand, and above 2,250,000 of notes in circulation. In 1829 the same number of banks had 200,000 dollars less capital, about the same sum in specie, deposits, &c., and 500,000 dollars less in notes in circulation. To these particulars our readers will refer, when we reach a subsequent period of our story.

Boston, in 1817, was estimated to contain above 8,000,000 dollars' worth in real and personal estate; in 1828 it had increased to more than 61,500,000. The aggregate value of assessed property in New York, in the former year, was nearly 79,000,000 dollars; and in the latter year it fell not far short of 111,250,000. The value of the fifteen millions and more of acres of land in Ohio, in 1825, was calculated at 37,250,000 dollars; and, in 1828, at above 41,250,000: the horses and cattle, in 1825, were reckoned worth more than 7,500,000; in 1828, more than 8,500,000; but the merchants' capital in the state amounted to nearly 5,250,000 in the former year, while in the latter it was less than 3,500,000.

We must not leave the eastern states entirely without mentioning the following items, which appear in the statement of the expenditure of two of them. New Hampshire, in 1828, it appears, paid 250 dollars under the title of "wolf, bear, and wild cat bounty;" and in the next year, Vermont paid for "wolf certificates" 260 dollars; whence we must conclude that the quantity of unimproved land in those states at that time was not inconsiderable.

Nothing new can be added to the descriptions given in former chapters of the rapid and incessant migration from the eastern parts of the Union to the states and territories of the far west. We may, however, mark the extent of the occupation of the tract which comes now under consideration, by the help of a report concerning the public lands. Hence it appears that there were now (1828) in Ohio little more than four hundred thousand acres out of nearly twenty-five millions, the Indian titles to which had not been extinguished; and

that less than five millions of acres, which had become the legal property of the United States' government, remained unsold or unappropriated. In Indiana, above seventeen million acres had been acquired from the aborigines, who still held above five millions and a quarter acres; and there remained more than twelve millions and a quarter acres unappropriated by grant or sale as private property. More than twenty-nine millions and a half acres had been acquired in Illinois, the Indians retaining nearly six millions and a half; but here, above twenty-three millions and a half remained in the hands of the government. The red men still held in Michigan more than seven millions and a quarter acres, and their title had been extinguished to more than seventeen millions and a half; but scarcely a million and a quarter of these had been appropriated by grant or sale. And there was, besides, the whole of the great tract extending from the Great Lakes to the Pacific, where only the scattered tribes of Indians, a few hunters and trappers, and fewer travellers, could be found.

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## CHAPTER V.

PARTY DISSENSIONS.—STATES OF MISSISSIPPI AND ALABAMA.—TERRITORIES OF ARKANSAS, FLORIDA AND MISSOURI.—PRESIDENTIAL TOURS.—PROTECTIVE TARIFF LAWS PROPOSED.—CONTROVERSY WITH GEORGIA.—REMOVAL OF THE INDIANS.—TRADE OF THE SOUTH.—SLAVE-TRADE IN DEFIANCE OF TREATIES.

REVIEWING thus particularly the affairs of the two great sections of the Union, we discover a most remarkable fact respecting the "Washington-Monroe policy" of these two administrations,—it was, when fairly set before them, neither by the North nor by the South, recognised as the expression or as the ideal of their political systems. Monroe's *prestige*, as the friend of Jefferson and Madison, together with the exhaustion consequent on the war with Great Britain, and the decay of one of the most powerful motives of the earlier party contests admiration for France or England, and dislike of the other,—all these causes kept matters quiet during the period from 1817 to 1825. But as soon as John Quincy Adams was seen at the head of affairs—his name, awakening the suspicions of all true democrats, the method of his election being of questionable constitutionality in the opinions of many (though Jefferson himself had by the same means climbed to the seat of Washington), his frank exposition of his predecessor's principles forcing all men to see how far democracy had drifted in the course of a single generation, and his success in opposition to General Jackson being, in a statesman, all offences in one, as the majority thought,—then, too, was seen the hollowness of the political peace, which Monroe's panegyrists had so loudly proclaimed as the proof of his consummate ability.

In Congress the vexatious obstruction of every government measure showed the dissatisfaction of the real sovereign of the United States,—the majority.



In the North, let this one fact declare what John Quincy Adams himself felt :— for the purpose of influencing the votes of the colleges in the election of 1828, he republished the story of his alleged discovery of British intrigues with the leaders of New England, with the design of severing those states from the national confederation,—that story, which covered Jefferson in his retreat from a position more hostile to Great Britain than he intended to take up in person ; and which was the most unpardonable attack upon the politics and politicians of the North that could have been made or devised. For the South, the present chapter will show how little congeniality there actually was between it and the hybrid policy of these two Presidents. Our readers will not require from us an elaboration of this view of our subject ; to those whom such studies please it will be sufficiently clear.

Authority was given by the last Congress under Madison for the assembling of a constituent convention in the territory of Mississippi, that it might be erected into a sovereign state. And in the town of Washington, on the first Monday in July, 1817, forty-four representatives from the several counties included in it, met for that purpose. They sat for above five weeks, and on August the 15th, the frame of government they had constructed was accepted by the people.

By this constitution the suffrage was conceded to free white males, twenty-one years of age, residents in the state for a year before any election, and for half a year in the district where the vote was to be given ; and enrolled in the militia, or legally exempt ; or having paid a state or county tax. The executive power was vested in a governor, chosen biennially ; a lieutenant-governor being also elected with him, to take his place if removed by any means, and to preside in the senate. The General Assembly was made to consist of a senate, of which one-third was chosen annually ; and a house of representatives, chosen year by year, not to exceed a hundred in number, and the senators not to exceed a third of the number of representatives. This legislature was to meet annually. A supreme court was appointed at once, and it was left to the legislature to establish all other courts. The General Assembly had the appointment of the judges, who were to hold office during good behaviour, till the age of sixty-five. Most to be noted, however, of all the provisions of this constitution, was the property qualification required for the governor and the members of the legislature ; and the gradation making that for the governor double the qualification of a senator, and the senator's twice that of a representative ;—by which the whole character of the democratic institutions of Mississippi was altered from that of democracy pure and genuine. But this in a slave state could not have been expected. Thus constituted, this new sovereignty was admitted into the Union on December the 10th, 1817.

The same Act of Congress which authorised this proceeding severed from the territory of the Mississippi a portion which it erected into a new territory, called Alabama. The population here grew so rapidly, that on the 2nd of March, 1819, an Act was passed authorising the formation of a constitution with a view to admission into the Union. In July a convention met at Huntsville, and on the 2nd of August the constitution was accepted. It agrees so exactly with that of the sister state, Mississippi, that we need not offer any abstract of it.

On the 14th of the following December Alabama was formally admitted into the Union.

On the day after, Congress gave permission to Alabama to constitute itself a state, the southern portion of the Missouri territory was erected into a new territory, and called Arkansas. It was organised soon afterwards on the second grade of territorial government. An attempt was made in the course of the debate on the Missouri question, to introduce into the Act relating to Arkansas provisos forbidding the importation of slaves, and arranging for the gradual extinction of slavery here; but it was not made *bonâ fide*, and it failed—as was proper. Arkansas was, however, so far involved in the Missouri affair, that its northern boundary line was taken as the extreme frontier, to the north, of the slave section of the Union; Missouri, which lay to the north of it, being excepted at the same time, and other exceptions left for the slow but sure operation of time.

In another chapter we have related at length the story of the so-called Seminole war, and the efforts made by diplomatists and filibusters (under authority, and in opposition to it) to obtain possession of Florida. The ratification of the treaty whereby Spain ceded this province to the United States, which occurred early in 1821, has also been mentioned. On the 17th of June, General Jackson, who had been appointed first governor and military commandant, with the powers of the old Spanish governors (and something more), took possession of the territory in the name of the United States, by the exchange of flags and the customary formalities. It was an office exactly in accordance with Jackson's taste and habits, for he was executive, legislative, and judiciary all at once; in fact (as he afterwards used to call himself), the government; but it was not a good school for the presidency.

The general retained his command till 1822, when the American population having increased so greatly as to include five thousand males, Florida was organised as a territory, in the first grade of territorial government. Three years later, in 1825, it was entitled to enter on the second grade. The white settlements were for the most part clustered round Pensacola, St. Mark's, Tallahassee (which had been selected as the seat of government), and St. Augustine; but the greater part of the country was still occupied by the native tribes of Indians.

On the 6th of March, 1820, by Act of Congress, the people of the Missouri territory were authorised to hold a convention, and frame for themselves a state constitution, preparatory to admission into the Union; on the 12th of June such a convention did meet at St. Louis; on the 19th of the following month the constitution which had been framed was adopted; in the next year, 1821, on March the 2nd, the Act providing for the admission of Missouri as an independent and sovereign state was passed; and finally, the President's proclamation on August the 10th, next following, announced that Missouri had complied with all the prescribed conditions, and was actually admitted as a member of the Federal Union.

The constitution of Missouri was closely copied from that of Kentucky. It granted the suffrage to free white males, of full age, who had resided for a year in the state, and three months in the district where the vote was offered. The



General Assembly consisted of a senate, varying in number from fourteen to thirty-three, elected quadriennially, half going out every two years; and a house of representatives, never to exceed a hundred in number, and elected biennially. The executive power was vested in a governor, elected for four years, and ineligible for the four years next following his term of office. A lieutenant-governor was *ex officio* president of the senate. The judiciary received their appointments from the governor, with the advice and consent of the senate, and held office during good behaviour till they attained the age of sixty-five. A supreme court, a chancellor, and circuit courts were created by the constitution; other tribunals were left to the will of the legislature.

One clause of this instrument was interpreted by the Northern party as authorising the legislature to prohibit the immigration of free persons of colour; and the last stand against the admission of Missouri into the Union was made upon this clause. Had the Northern party been sincere in their advocacy of the cause of the negro, and in their maintenance of the constitutional privileges of free citizens of the United States, whether white or coloured, there would have been an immediate change made in the laws of several of the northern states, by which the liberty of the free man of colour was most vexatiously curtailed, and the laws would have been set in action to secure for him at once, and at least, all the privileges which were theoretically ascribed to him. No such steps were taken, and though several of the northern states did release themselves from the odium of being formally and by law slave states, not one was logical or virtuous enough to carry out in its domestic institutions the principles maintained by its representatives in Congress.

Monroe made two tours in the southern states. In the summer of 1818 he visited the coast of Chesapeake Bay (apparently) with no other object than those professed—namely, of examining into the condition of the coast defences and selecting the site of a naval depot. He was much gratified by the respectful attentions everywhere paid to him by his fellow-citizens, but as he was at home, his journey not extending beyond the borders of Virginia, this was only what he had a right to expect. It could not be compared with the triumph of his northern progress.

Next summer he accomplished a wider circuit; proceeding to Charleston first, and thence to Savannah and Augusta, and returning through the Cherokee country to Nashville, and so by Louisville and Lexington, in Kentucky, to Washington again. We are not greatly concerned in the objects he had in view regarding these tours as affairs in themselves very praiseworthy, but rendered perfectly needless by the brevity of the term of the President's office, to which, mainly, we ascribe the rarity of them subsequently.

Internal improvements and the tariff were the principal questions of national interest on which the southern states expressed a decided opinion, in opposition to Congress or the administration; for these were the two most prominent "tests" of party policy under John Quincy Adams. And the resistance offered to the "American system" in the South led to one of the critical junctures for the constitution and the very existence of the United States. South Carolina was the focus of this irregular opposition to the government, but the entire South joined in it. We have not in this chapter to speak of the most violent manifes-

tations, which occurred at a later period than we have reached, but we must carefully describe the first displays, for the oppugnation which was at the outset so tempered and mild, grew at last to that height of contumacy which, as *nullification*, was a new phenomenon for political philosophers to classify and explain.

Early in 1826 the legislature of South Carolina adopted a series of resolutions, by which they declared that Congress ought not to exercise the powers granted it to effect objects not specified in the constitution, nor to lay taxes for purposes not distinctly enumerated there—that it has no power to adopt a national system of internal improvements, nor to tax one state for roads and canals constructed in another, and that it was “an unconstitutional exercise of power to lay duties to protect domestic manufactures.”

Virginia took up the same line of conduct the following year. William B. Giles there carried a series of resolutions, by which a committee was appointed for the purpose of inquiring into and reporting upon the limits of the jurisdiction of the state, and of the general government over the territory, persons, and things of the state, and the power of Congress to “violate the right of private property,” and to “take it from the owner and give it to another person, neither rendering public service”—particularly with regard to the laws for effecting internal improvements and imposing a tariff. This committee was further charged to ascertain the extent of the violation “of the two great principles upon which the constitution of the United States is founded, to wit, generality and equality;” and “to report such measures, for the adoption of the General Assembly, as they shall think will most effectually tend to arrest these usurpations [‘of power on the part of the general government,’ that is to say], to stay the hand of avarice and despotism, to reinstate the good people of this commonwealth in all their essential rights and liberties; and the government thereof in all the rights granted and secured to it by the fundamental laws.”

In 1827 the excitement continued, but chiefly as part of the general agitation of the Jacksonian, or “advanced” democratic party, against the administration. South Carolina and Georgia were the most forward, by legislative resolutions, to protest against the protective tariff laws and schemes for internal improvement, and also against the “American Colonisation Society,” of which we shall speak again. Copies of these protests were sent to the governors of all the other states, and to both Houses of Congress.

About the same time that the convention of friends of the protective tariff was held at Harrisburg, there was assembled at Columbia, in South Carolina, a rival convention, in which the principles of the opponents of Clay’s system found free and clear utterance. It was maintained there “that the protecting system was a relic of monarchical and monopolising policy, inconsistent with the principles of a free government—that free trade, in its most extended sense, is the true American policy—that the consumer should always be at liberty to supply himself where he can do so cheapest, and that the objects to which industry and capital are to be applied should be left to the free choice and sagacity of individuals, which will always conduct it into the most beneficial channels—that if a business is profitable, it needs no protection; if unprofitable, it deserves none—that taxing the consumer for the benefit of the producer is unequal, unjust, and oppressive, and that it is a grievance not to be patiently



submitted to, and but too well calculated to bring on the dangerous inquiry, *in what manner are the southern states benefited by the Union?*"

Fired by the eloquence of Dr. Cooper, of Columbia College, the convention, in its memorial to the state legislature, declared "the national compact to be broken," and entreated them "to deliberate on the momentous question, and devise some means of freeing them from a yoke too heavy to be borne;" and in its memorial to Congress complained that "the tax laws to be enacted were in future to be, as for many years past they had been, not national, but sectional; so that the benefit of the Union to that state was becoming daily more dubious and disputable."

But in spite of this agitation, and these resolutions and protests, as we have seen, the offensive Tariff Bill passed; whereupon "the discussions, which had been sufficiently animated in Congress, became more so when freed from the restraints of legislative decorum. The ultra opponents of the tariff now endeavoured to show that the passage of this law was a violation of the Federal compact; and that it was the duty of the southern states to act upon the subject, in their capacity of sovereign and independent states. If they remained quiet, their inevitable ruin was predicted. Great Britain, the principal consumer of their produce, would adopt retaliatory measures, and the closing of their chief market was portrayed as the inevitable consequence of perseverance in this policy." Thus, the South now became phil-Anglican, and repeated all that the North had said before the late war. But, most remarkably, although these representations, when made by the North, were held up as irrefragable proofs of treachery to the Union and collusion with the enemy, they betrayed no such parricidal spirit in the South.

This, however, is a very softened picture of the feeling which prevailed. "No events, since the commencement of the revolution, so much resembled the tumultuous and disorderly proceedings of that period, as the excitement in the South occasioned by the tariff." The unconstitutionality of the law, and its injurious tendency with regard to southern commerce, as well as its partial and unequal operation relatively to the two great sections of the country, were most warmly insisted upon. Newspaper editors adopted the most inflammatory style of writing; and declaimers, who were looked upon as orators, addressed to great meetings in different places furious denunciations of the protective law. It was "a tax upon the planter, for the benefit of northern and western capital." "The constitution, the palladium of our liberties, was violated." "The Federal judiciary was not to be depended on." "The entire loss of the cotton market was immediately to follow the adoption of the restrictive system; and this sacrifice of southern capital was to be made solely for the benefit of the northern manufacturer." "It was time to calculate the value of the Union."

"The southern states already contributed a disproportionate share for the benefit of common protection." "Was it to be endured that a section of the Union, which for a fourth part of a century had furnished nearly all the exports, and paid the revenue of the government,—the transportation of whose productions to market had been already burdened by a tax for the encouragement of the navigation of New England,—was it to be endured that it should be further taxed for the exclusive benefit of the other sections of the country?"

“ With a numerical majority, which each succeeding census would increase, the manufacturing states were determined to sacrifice the real interests of the South to their own imaginary interests; and in spite of arguments the most irrefragable, they prostrated, by mere dint of members, the representation of the planting states in the national legislature.” “ Nothing remained but to devise some means of preserving the peculiar interests of the South from being sacrificed by the greater power of the northern and western states, guided as it was by cupidity and avarice.” “ All distinctions between the Federal and state governments would be abolished, and swallowed up in its constructive powers; the rights and local interests of the states depended upon the mercy of Congress, and the delicate relation between master and slave placed at the discretion of a majority, having no interest in its existence, no knowledge of its details, and only stimulated to abolish it by humanity without discretion, or by a fanaticism which regarded no consequences.”

It becomes us to observe, in these condensed reports of the views now put forth in the South, how the manufacturing and exporting interests were brought into collision instead of the commercial and agricultural interests—manufactures being the domestic aspect of commerce, and exports the commercial aspect of agriculture, so that the names, and not the parties, were new in the political arena. Nevertheless, the great change in parties since Jefferson founded the Republicans or anti-Federalists was evinced by this repudiation of his Chinese policy, and avowal of the maxims of free-trade by these leaders of the new democratic opposition. How intimately slavery was concerned in this free-trade movement we did not require this open confession of it to prove, but we use the declaration to confirm the statements we have elsewhere made upon this head.

North Carolina protested against the tariff, on the ground of its oppressiveness as a tax; and without denying to Congress the right to protect manufactures in that way, they accused it of “ violating the spirit of the constitution.” The legislature of Alabama “ went somewhat further; and, first denying the constitutional power of Congress to lay duties expressly to protect manufactures, resolved that it was a palpable usurpation, and little less than legalised pillage of her citizens, to which she would not submit until the constitutional means of resistance were exhausted.” Virginia, not committing itself by such high language, nevertheless declared, that as there was “ no common arbiter ” for construing the constitution, “ each state had the right to construe the compact for itself; ” but qualified this declaration by resolving further, “ that in giving such construction, each state should be guided, as Virginia had ever been, by a sense of forbearance and respect for the opinion of the other states, and by community of attachment to the Union, so far as the same might be consistent with self-preservation, and a determined purpose to preserve the purity of our republican institutions; ” and avowed its conviction that the protective tariff laws were unconstitutional, partial, impolitic, oppressive, and “ ought to be repealed.”

“ It was, however, reserved for the legislatures of South Carolina and Georgia to array themselves in opposition to the national government on other subjects besides the tariff, while on that their hostility was carried to an excess which has not often been witnessed in the United States. In the former, the committee reported resolutions declaring the tariff laws to be a violation of the spirit of the



constitution; that Congress had no power to construct roads and canals for the purposes of internal improvement; and no power to patronise, or make appropriations for the benefit of, the American Colonisation Society. The legislature of Georgia confined its remonstrance to the tariff and internal improvement, but after declaring the constitution should be so construed as to deny the exercise of these powers, declared, 'that as an equal party to that instrument, it would insist upon that construction, and would submit to no other.'

South Carolina seriously discussed the question whether its senators and representatives should not abandon their seats in Congress. In some places the law, and effigies of its principal supporters, were publicly burnt.

Georgia was so happy as to have less violent politicians at its head, and though they could not and would not prevent the law in question from being declared unconstitutional and injurious, they got it upon record that "as the Union was dear to them, it should not be jeopardied by any measures of an angry and violent character." They also recommended the people of Georgia "to produce within themselves, as much as possible, the principal articles affected by the tariff."

And it was thus that the doctrine of "nullification" originated; and from this time, partly as the consequence of the Missouri debates, partly as the result of this free-trade agitation, a serious division dates between the North and the South.

How the state of Georgia became involved in a controversy with the Federal government upon a private matter; how there were mixed up in the dispute the old Yazoo-lands' question, the older jealousy of the aborigines, and the ineradicable southern suspicion of the government—because at the head of it stood a man from Massachusetts; and how the upshot proved the vast discrepancy between the august theory of the United States' constitution and the reality, we now will relate, proceeding thus at once to the head of dealings with the Indians, in order to facilitate our readers' comprehension of our general view of this portion of the country.

It will be borne in mind, that by virtue of its independent sovereignty, Georgia, which was one of the weakest states of the confederacy at the end of the revolutionary war (mainly because of the ludicrous contrast between the paucity of its citizens and the narrowness of its settlements, with the imperial width of its "claims"), gave trouble enough to the central government, by resisting its demands for the cession of some parts of its vast and unoccupied domains; and that it stood out, though all the other states similarly circumstanced had ceded their "claims," and even raised new hindrances to the operation of the government by fraudulent land sales, until the year 1802, when a compromise was effected, the western boundary of the state was fixed, and the United States not only undertook to satisfy the claimants to the Yazoo-lands, but also to extinguish the Indian title to all the territory yet in their possession within the limits of Georgia, "as soon as it could be done peaceably and on reasonable terms." This agreement was, undoubtedly, advantageous to the general government, both by putting an end to a difficulty otherwise insoluble, and by removing the worst obstacles to its measures for acquiring all the inland region of the natives, and erecting new states there. But it was still more advan-

tageous, in proportion, to Georgia, as it settled its existing disputes with the general government and its neighbouring states, and with the Yazoo claimants, without any compromise of its dignity; and it secured to the state about twenty-five millions of unappropriated acres, then in the hands of the Creeks and Cherokees, without having to pay for them, or to be at any trouble respecting them. Such a compact, if made with a northern state, we can well believe would have aroused the patriotic ardour of the South, much as the tariff acts did at a later period; and it would have been denounced as oppressive, partial, unjust, and unconstitutional—and “nullified” accordingly.

Fifteen million acres of these lands had been purchased from the Indians, and conveyed to the state of Georgia before the year 1824; above nine millions and a half remaining in the possession of the Indians, the larger moiety belonging to the Cherokees, and the remainder to the Creeks. And just before the termination of Monroe’s presidencies, at the solicitation of the governor, a commission had been appointed to conclude a treaty with the Creeks, for the purchase of their share, and the removal of the tribe beyond the Mississippi. These facts must be noted, for Senator Benton, evidently speaking in the name of his party, says—“No time was limited for the fulfilment of this obligation, and near a quarter of a century had passed away without seeing its full execution. At length Georgia, seeing no end to this delay, became impatient; and justly so, the long delay being equivalent to a breach of the agreement; for although no time was limited for its execution, yet a reasonable time was naturally understood, and that incessant and faithful endeavours should be made by the United States to comply with this undertaking.”

But in conformity with a treaty concluded with the Creeks before the compact with Georgia was entered into, the United States had endeavoured to civilise the Indians, and to persuade them to give up their wandering and savage habits, and settle on their lands as cultivators of the soil. And in this part of the country (whether the efforts were more earnestly made, or the agents employed were more able than those engaged elsewhere; or whether the aptitude of these tribes of the south for civilised life was greater, or that bugbear of the north-west—British influence—was in reality a counteracting force to American philanthropy) assuredly, so much effect had been produced, that the red men were fully alive to the superior comfort and security of civilisation, and were unwilling to encounter the hardships and privations of a return to the hunter’s mode of living in the rude country beyond “the Father of Waters.” Or, was it not that they felt as aborigines always do, and others beside them, that repugnance to the sale of their old lands, where their fathers had lived and were buried, which always grows in strength in proportion as it is perceived to be vain? Our remembrance of the Creek and Seminole wars, and the part taken in them by these half-reclaimed savages, and a circumstance soon to be recorded, appear to us to point to such a reason, rather than to their sense of the advantages of civilisation, as the cause of their unwillingness to give up their possessions in Georgia.

Whatever the cause, the efforts of the commissioners were to no purpose. A law was made at the general council of the nation, forbidding the sale of any more of their territory, on pain of death. They told the negotiators that they



had no more lands than they wanted for themselves; and no present nor solicitations could induce them to return a different answer. But after the close of the council, when the great majority of the chiefs had gone away, some of those who remained, fifty in all, were persuaded by a famous chief, a half-breed, named General William M'Intosh, to join him in ceding to the United States, by treaty, on their own responsibility, all the lands held by the Creek tribes in Georgia and Alabama. It was by this means that the treaty of the Indian Springs was concluded on the 12th of February, 1825; and having been sent to Washington, it received the sanction of the Senate on the last day of the session and the administration, March the 3rd.

When the Indians at home learned these facts, they were filled with indignation; a secret council was called, and it was resolved there not to accept the treaty, and to put M'Intosh to death, as an offender against the law respecting the further cession of land. On the 30th of April, a party of Indians, despatched by the council for the purpose, surrounded the delinquent's house, and shot him, with another chief, who also had signed the treaty. Whilst Governor Troup, on his side,—contending that, after the ratification of the treaty, the fee-simple of the lands vested in Georgia, and could be disposed of by the government of that state,—called the legislature together, sent surveyors into the territory to divide it into lots, and arranged for the distribution of them amongst the white inhabitants of the country, by lottery; at the same time ordering out a body of militia to enforce the survey, should the Creeks offer any violent resistance.

The Creeks, finding the governor of Georgia determined to carry out the provisions of the treaty, prepared to defend their lands by arms; but at the same time sent a messenger to Washington, to inform the President of all the circumstances of the case, and to claim the protection of the general government. Adams, who had just entered upon his office, hearing these statements, and the complaints of Governor Troup against the Indian agent, appointed a special commissioner to investigate the affair; and at the same time ordered General Gaines to repair to the Creek country, with a competent force, to prevent the outbreak of hostilities. The result of the inquiry might have been anticipated;—it established the charges of bad faith and corruption against the authors of the treaty, and proved that the nation generally (“forty-nine fiftieths” of it, says the report, with extreme precision) was opposed to it. The President therefore decided that the Creeks should not be interfered with, until the next meeting of Congress.

“All Georgia was in a flame,” says Benton; and the governor even threatened to take the execution of the treaty into his own hands, being encouraged by the sympathy expressed by the neighbouring states. But the President's tone was so firm and decided, that he thought it better to leave the affair to be settled by the constitutional authorities. Anxious, however, to avoid a collision with Georgia, which insisted upon the fulfilment of the fraudulently obtained treaty as “justice” to itself, Adams (whose sympathies, except on the score of humanity, could not be with the red men) renewed negotiations with the Creeks. And in this he was helped by the appearance of a deputation from their grand council at Washington, sent to oppose the attempts of a party of M'Intosh's followers to enlist the American government on their side. “This

deputation was instructed not to admit, in any shape, the validity of the late treaty, nor the illegality of M'Intosh's execution; but to fix upon some course by which the tribes might not be entirely removed from their country, and at the same time to enable the United States to perform its contract with Georgia."

When Congress met at the end of the year, the negotiations were incomplete, but on the 24th of January, 1826, a new treaty was signed, by which the former treaty was declared void, and the Creeks ceded to the United States the greater part of their lands in Georgia (but retained all their possessions in Alabama), for a consideration far more liberal, and more equitably arranged, than that promised by the treaty of the Indian Springs. On the 5th of February, an account of these transactions was rendered to Congress in a Message, in which the President declared his determination to fulfil the duty of protecting the Creeks, as the government was bound by the treaty of 1790, by all the force at his command. That this, however, he concluded, "will be resorted to only in the event of the failure of all other expedients provided by the laws, a pledge has been given by the forbearance to employ it at this time."

The senators from Georgia, and others who ranged themselves in the opposition, were unwilling that the new treaty should be ratified; and the committee on Indian affairs, to which it was referred, reported against the ratification, through their chairman, Thomas H. Benton, on the grounds (as he himself tells us) "that it annulled the M'Intosh treaty; thereby implying its illegality, and apparently justifying the fate of its authors, because it did not cede the whole of the Creek lands in Georgia, and because it ceded none in Alabama." Further negotiations were recommended, and on the last day of March, by a supplemental article, nearly the whole of the lands of the Creeks within the limits of Georgia were ceded to the United States, a tract of land beyond the Mississippi was provided for those who might choose to migrate thither, and the expense of the removal, and the means of subsistence for the first year, were guaranteed by the government. The ratification of the treaty, thus supplemented, was carried by a vote of thirty to seven, the minority consisting of southern men (three of them members of the committee which had reported against ratifying, originally), who disapproved the implied censure on the authors of the former treaty. The senators from Georgia also offered a protest against both treaty and ratification, which was entered on the journal of the House. The representatives who also were in favour of obtaining a cession of all the Indian lands in Georgia, nevertheless declared that "the law of the land, as set forth in the treaty at Washington, ought to be maintained by all necessary, constitutional, and legal means;" and were nearly unanimous in voting the appropriations required to carry the treaty into effect.

Although the Cherokee controversy did not end in the period we are speaking of, it will be more convenient to relate so much of it as falls within the limits of the administration of John Quincy Adams, here, than to leave it to a future chapter.

This nation of Indians had long been distinguished for the progress it had made in the arts and habits of civilised life. "Advantageously situated in the north-west of Georgia, and extending themselves into Alabama and Ten-



nessee, they occupy," says the Annual Register of this date, "a well-watered and healthy country, conveniently divided into hill and dale. The northern part is even mountainous, but the southern and western parts are composed of extensive and fertile plains, covered with the finest timber, and furnishing excellent pasturage." The Indians owned large herds of cattle, horses and swine, and numerous flocks of goats and sheep. They cultivated Indian corn, wheat, oats, potatoes, tobacco, and cotton; were successful gardeners, and had many apple and peach orchards. Their trade with the adjoining states was considerable, and they could take their cotton to market even in New Orleans. Handicrafts of various kinds were pursued, and blankets and cotton cloth were manufactured amongst them. Numerous flourishing villages might be seen in every part of their country, and there were many public roads, and houses of entertainment kept by natives, there.

Further even than this, a chief of theirs, Guess by name, had devised an alphabet, consisting of eighty-six characters—which answered its purpose so well, that a printing-press had been established, and a newspaper. Nay, they so far copied the ways of the white men, that in 1827 they organised themselves as an independent state, with a regular representative government, divided into executive, legislative, and judicial departments; and a written constitution. Trial by jury, religious freedom, schools, temperance in the use of ardent spirits, and respect for the female sex, also testified to the reality and extent of their civilisation. Christianity was professed by them; and—saddest sign of all, for they had no captives taken in war, towards whom to display the first dawnings of humanity—they were slaveholders.

The framing of a constitution, without so much as asking the sanction of the Federal government, whilst they occupied part of the territory under its suzerainty, was a step of very questionable propriety. But no southern state—and Georgia least of all, at the time—could, without self-conviction, act as public accusers of the Cherokee nation, for this act of ultra-democracy. The Indians might most reasonably have doubted whether they should ever, under the immediate sway of the whites, be admitted to such political privileges as they had learned to understand, and felt themselves entitled to. And yet the consequences of this virtual "declaration of independence," which, if allowed, would have diminished the territory of three states at least, and involved them in they knew not what collisions, might well have appeared to those states to warrant the most prompt and decisive measures. These results of the inconsistency between the political principles which the United States had proclaimed as the basis of their own organisation, and those which they with strong hand enforced upon the weaker races, whom they could subject to their control—and of the necessarily false relations in which the citizens, the state authorities, and the general government of the United States, alike, stood to those races—deserved at the time very serious consideration from the statesmen of the Union; and the removal of the Indians to the western territory, though it staved off the "difficulty" occasioned by the residence of their tribes in the states, by no means exonerated them from the duty of pondering this subject well.

Upon these and similar considerations was based the scheme for removing the Indians to the west of the Mississippi. Georgia, with Alabama, claimed the

uncontrolled and supreme jurisdiction over all the lands within their boundaries; arguing that two independent governments could not exist within the same limits. But the jurisdiction of the United States in Georgia and Alabama must have been excepted in this argument; or the putting forward of such a claim was, in fact, a dissolution of the Union. The next step was more practical: measures were taken to extend the civil and criminal jurisdiction of the state government over the whole of the Indian country included in the two states spoken of; and Congress was called upon to prohibit the Cherokees from exercising the rights of self-government under the constitution they had framed.

We now turn to the trade of the South, and first of its great staple—cotton. Owing in part to the greater extent of land planted with this valuable article, and in part to improved methods of culture, the quantity grown in the United States increased continually. In 1817 the whole growth was estimated at a hundred and ninety-five millions of pounds, of which some two-thirds, valued at 22,000,000 dollars, was exported. In 1828 the whole growth had risen to three hundred and twenty-five millions of pounds, of which the same proportion was exported. But though the actual exports at the latter date were double those of the former, the value was precisely the same! A fact, this, of most momentous significance for those who consider the bearings of this trade upon the unhappy thralls, on whom the heaviest pressure in every fluctuation invariably falls. About the middle of the period included between those dates, the growth of the United States was a third of the whole quantity produced in all the world. Sea island cotton, being the produce of a limited tract of country, never rose above fifteen million pounds in quantity, and usually averaged about nine millions; the actual amount depending entirely upon the season. The total quantity imported into Great Britain in 1817 was a hundred and twenty-six millions and a quarter of pounds, and in 1828 two hundred and twenty-two millions and three-quarters; whence the importance of a good understanding with Great Britain, for the southern states, can be easily deduced.

The success of Kinsey Burden, of Colleton, South Carolina, as a grower of cotton, has been commemorated; but during the period we now speak of, it surpassed all he had before attained. "His crop of 1826, in sixty bags, brought in market 110 cents per lb., and his crop of the following year, 125 cents." The average prices of ordinary cotton being for those years 11 cents and 9½ cents, and sea island cotton, on an average, being worth two hundred and fifty per cent. more than the other sorts; these samples must have been four times more valuable than the average of sea island cotton in those years. "Mr. Burden's wonderful success excited quite a sensation, but his secret was kept closely for many years. William Elliott suggested that it might be in the character of the seed used; and upon the hint several set to work. Hugh Wilson, amongst the most successful of these, realised in the ensuing year [1828] 125 cents per lb. for his product." The average of ordinary cotton in that year was 10½ cents. "Two bags of extra fine cotton, raised in 1828, brought 2 dollars per lb.; the highest price, says Mr. Seabrook, obtained in this or any other country from which cotton wool is exported."

Rice, which is another product of the South, is a very fluctuating crop, in respect of exports. During the twelve years we treat of, the quantity exported



varied from seventy-two thousand tierces to a hundred and seventy-five thousand; and the value, from 3,250,000 dollars to under 1,500,000—the higher value commonly, but not always, accompanying the lesser exports. In 1826, there was introduced a superior method of “dressing” rice for sowing, called “claying,” which consisted in steeping the seed in clayed water. The advantage being that particles of the clay adhere to the rough husk of the seed in sufficient quantity to make it stick to the earth when the field is flooded, and in consequence it is not washed away. The average value of the export trade in tobacco to the United States was 6,000,000 dollars at this time, and the quantity exported, manufactured and not, ranged between sixty-two hogsheads and a hundred. Sugar was imported, in quantities varying from fifty-one million pounds to ninety-four, though it was produced in the South.

In November, 1827, the legislature of Georgia made an effort to stimulate the flagging industry of the state. The Pine Barrens were pointed out as places where silk and wine might be produced; the cultivation of tobacco, indigo, madder, the white poppy, and various kinds of grass was proposed; and it was recommended to turn certain large tracts of country, then useless, into sheepwalks. Various premiums for success in these respects were proposed. The cultivation of the plant yielding castor oil was commenced in the same state about this time.

We read of four companies for the manufacture of cotton being incorporated in Virginia, in the year 1828. And in 1826, the Maryland Institute exhibited “the products of domestic industry” of that state, and amongst them “chemical preparations, cloths, cassimeres, and satinets, various sorts of cotton goods and carpeting, saddles and harness, leather of different kinds, currying knives, fire brick, paper and paper hangings, articles of iron ware and castings, sideboards, tables, pianos, &c., stone and earthen ware, gloves, lace, silk, worsted, straw bonnets and plaitings, oil cloths and carpets, shovels and spades, and many other things, most of which were of superior workmanship, quality, or beauty.”

As regards the great and all-important question of slavery, our readers need but to note the guarded and ambiguous language of the constitution where it refers to slavery. When slavery should cease, as the framers of the instrument of government hoped it speedily would, not a word would have required alteration, not a single clause would have become obsolete. But neither the South nor the North was in earnest on the question, and negro slavery became a pretext to fight other and more sordid battles. Let us now refer to what we have said on the Missouri question, in several places, for certain remarks and facts related to this subject, and to the first two chapters of the book, for notices of what Congress did respecting it. In some of the northern states, the feeling was decidedly more humane, and might have been led to much more effectual measures towards effecting the relief of the nation from this gangrene, had there been courage and consistency in the local leaders. New York and New Jersey forbade the export of slaves; and called upon Congress to assist them in enforcing their statutes. Pennsylvania strenuously resisted the operation of the Fugitive Slave Law; and a new bill, which seemed to be on the verge of becoming law, and which would have bound the northern legislatures to see to the detection and capture of the fugitives from the South, failed through a sudden

awakening of the northern members of the House of Representatives to its real character.

The total number of slaves in each of the northern states, at the census next after the period now under consideration, will, perhaps better than any other statement, demonstrate the real position of this question there. In 1830 there were in Maine two slaves, in New Hampshire three, none in Vermont, but one in Massachusetts, and he over a hundred years old; in Rhode Island seventeen, in Connecticut twenty-five, in New York seventy-five, in New Jersey two thousand two hundred and fifty-four, and in Pennsylvania four hundred and three; in Ohio six, in Indiana three, in Illinois, seven hundred and forty-seven, and in Michigan territory thirty-two. The total for that section of the Union being three thousand five hundred and sixty-eight; whilst the number in the southern section was little short of two millions. The presence of a single slave in any state really involved the allowance of slavery as fully as the presence of a million; but the scanty numbers in the North undoubtedly showed the approaching extinction of slavery as a social condition as clearly as the rapid increase of the number of slaves in the South indicated the growing resolution to retain their characteristic "institution" to the last.

Before we pass on, and speak of other parts of this momentous subject, let us say, briefly, that Great Britain agreed, by a convention negotiated by Gallatin and signed in November, 1826, to pay into the treasury of the United States 1,204,960 dollars, as a compensation of the slaves who had been carried away at the end of the last war, "for the use of those citizens of the United States who had been sufferers by the infraction of the first article of the treaty of peace, in full satisfaction of their claims." Great Britain thus deserves honourable acknowledgment of her consistency, in thus consenting to suffer loss rather than send back into thralldom any one who by her help had been so happy as to escape.

When the state of Mississippi was organised, similar restrictions to those which in Kentucky were placed on the legislature were inserted, but slaves might be emancipated without an act of the legislature to give validity to the deed; and on the other hand, in trials of slaves, it was only in capital cases that even a petty jury was allowed. This, however, is but a small and venial instance of the inconsistencies entailed by the "institution."

"In the year 1822 a conspiracy was set on foot at Charleston among the blacks, to destroy the city and massacre the inhabitants. It was managed with much secrecy and adroitness, and discovered but a short time before it was to have been carried into execution. It resulted in the conviction of eighty of the conspirators, thirty of whom suffered capital punishment. Though this conspiracy was among the slave population, the free coloured people were suspected of being its principal instigators." So says one writer, a northern man; another, a southern, says that the insurrectionary movement "excited in Charleston a suspicion, amounting in many minds to conviction, that there was a party in the North tampering with southern institutions." And so the "South Carolina Association" was formed, "to watch the movements of this party in the North, and to prevent, if possible, the access to the slave population of emissaries or pedlers of pamphlets."



Leaving this story of an intended insurrection as we find it, we may observe, that if this had been all that the "association" did, not much blame, if but little praise, would have been accorded to it. But it contrived to procure a law, which, as it is hard to characterise in temperate phraseology, we will record without any attempt at comment. By this statute not only was the entrance of free coloured persons into the state prohibited, but it was also decreed—that if any vessel, either from another state or from a foreign country, having on board, in any capacity, any free persons of colour, should enter any port or harbour of South Carolina, such persons should be seized and confined in jail until the departure of the vessel, its captain being bound to take them away and pay the expenses of their detention, neglect to do which exposed him to two months' imprisonment and a fine of 1,000 dollars, and them to be sold as slaves.

And here we close our story of the administration of "the Washington Monroe policy."

## BOOK III.

### THE ADMINISTRATION OF JACKSON AND VAN BUREN.

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#### CHAPTER I.

PROGRESS OF THE UNION UNDER JACKSON'S PRESIDENCY.—REMOVALS FROM OFFICE.—THE UNITED STATES' LAND SYSTEM.—PROTECTION.—"NULLIFICATION."—JACKSON'S VETOES.—CHANGES IN THE CABINET.—THE GREAT BANK QUESTION.—JACKSON RE-ELECTED.—"NULLIFICATION" EXTINGUISHED.—THE "COMPROMISE" OF 1833.—THE BANK AND CURRENCY CONTROVERSY.—PUBLIC DISTRESS.—CLAY'S RESOLUTIONS.—THE GOLD COINAGE.—ATTEMPT TO ASSASSINATE JACKSON.—COMMERCIAL SPECULATIONS.—ELECTION OF VAN BUREN.

RETRENCHMENT and Reform were the watchwords of Jackson's party, during the severe election contest which had issued in the overthrow of all his opponents, and the attainment of the presidential chair by a military chief. The blandness of Monroe, aided by the tranquillity of the period during which he held office, obliterated the Federalist party, and sapped the strength of the old Democratic party too, which had been weakened by the importation of Federal doctrines into its "platform" by Clay and the "war party." The election and administration of Jackson completed the destruction of Jeffersonian democracy, and the change of the government, in 1829, as much deserves the name of a "revolution" as did Jefferson's accession to power, in 1801.

"Reform and Retrenchment," this was the most condensed summary of Jackson's domestic policy, as he wished it to be understood, whilst he was busied in his canvass. Happily for him, they were so vague, that almost anything might be made afterwards to look like the fulfilment of the promises implied in them. We shall soon, however, see how the new President interpreted and fulfilled the vows which, as a candidate, he had made.

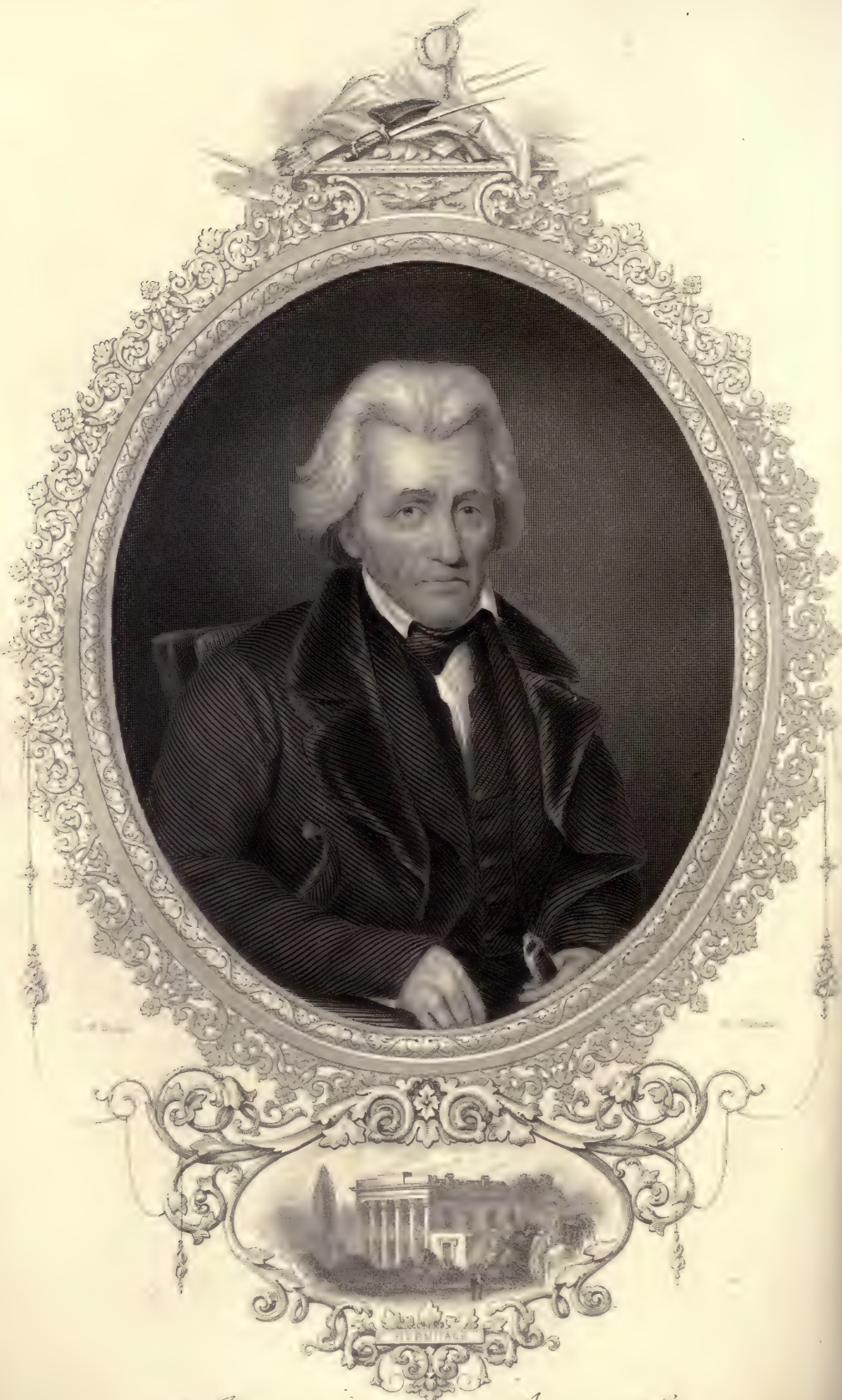
On March the 4th, 1829 (John Quincy Adams having departed from Washington), with ceremonies closely resembling those observed at the inauguration of the preceding Presidents, General Jackson was solemnly inducted into office, and made his inaugural address. In which, with brief prelude, he thus expounded his principles and intentions:—

"In administering the laws of Congress, I shall keep steadily in view the limitations as well as the extent of the executive power; trusting thereby to discharge the functions of my office without transcending its authority. With foreign nations it will be my study to preserve peace, and to cultivate friendship on fair and honourable terms; and in the adjustment of any differences that may exist or arise, to exhibit the forbearance becoming a powerful nation, rather than the sensibility belonging to a gallant people.

"In such measures as I may be called on to pursue, in regard to the rights of the separate states, I hope to be animated by a proper respect for those sovereign







Andrew Jackson



members of our Union; taking care not to confound the powers they have reserved to themselves, with those they have granted to the confederacy.

"The management of the public revenue,—that searching operation in all governments,—is among the most delicate and important trusts in ours; and it will of course demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously, both because it will facilitate the extinguishment of the national debt,—the unnecessary duration of which is incompatible with real independence,—and because it will counteract that tendency to public and private profligacy, which a profuse expenditure of money by the government is but too apt to engender.

"With regard to a proper selection of the subjects of imposts with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise, in which the constitution was formed, requires that the great interests of agriculture, commerce, and manufactures, should be equally favoured; and that, perhaps, the only exception to this rule should consist in the peculiar encouragement of any products of either of them, that may be found essential to our national independence.

"Internal improvement, and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the Federal government, are of high importance.

"Considering standing armies as dangerous to free governments, in time of peace, I shall not seek to enlarge our present establishment. . . . The gradual increase of our navy, . . . the preservation of our forts, arsenals, and dockyards, . . . are plainly prescribed by prudence. . . . But the bulwark of our defence is the national militia, which in the present state of our intelligence and population, must render us invincible.

"The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of reform, which will require, particularly, the correction of those abuses that have brought the patronage of the Federal government into conflict with the freedom of election; and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands.

"In the performance of a task thus generally delineated, I shall endeavour to select men whose diligence and talents will ensure, in their respective stations, able and faithful co-operation, depending for the advancement of the public service more on the integrity and zeal of the public officers, than on their numbers."

First amongst the practical expositions of the policy of the new administration, must needs come the selection of the members of the cabinet; and no long time was left for conjecture and rumour; but when the list was announced, although no objection could be made in the Senate, considerable disappointment was felt throughout the country. Martin Van Buren, who was at the time governor of New York, and who had been a warm supporter of Crawford, was made Secretary of State. Samuel D. Ingham, a Pennsylvanian adherent of the

President was (by the influence of Calhoun) appointed Secretary of the Treasury. John H. Eaton, one of Jackson's most confidential personal friends, received the post of Secretary of War. John Branch was named Secretary of the Navy; and John M'Pherson Berrien, Attorney-general.

The office of Postmaster-general had, even by Jefferson, been coveted, by reason of the vast amount of petty patronage pertaining to it, and Jackson was resolved to make it a cabinet office. But M'Lean, who had been appointed by Monroe, refused to turn his department, which was especially one of public utility, into an engine to serve mere party purposes; wherefore, he was removed to a bench in the Supreme Court, and William T. Barry, an old friend and follower of the President, was put into his place. This completed the circle of responsible advisers to the chief magistrate of the Union. And, as Van Buren was unable to enter upon the duties of his office at once, for he had to disencumber himself of his governorship, his place was temporarily filled by James A. Hamilton, the son of that object of Jefferson's anti-monarchical aversion and fictions, General Alexander Hamilton, who was killed by Burr in a duel.

No time was lost in putting the new system of "reform" into operation. It was a very simple one; but there was no essential novelty in it, and yet it took the country by surprise, both because it so little corresponded with Jackson's avowed principles, and because it was hard to say why it should have been promised under so imposing a name. Our readers will not fail to remember that the new President had not been prominent as a politician—in that character he was almost unknown; and from the few votes he had given in Congress, and other public indications, he would certainly have been regarded as one of the "Washington-Monroe" school. His party was formed upon the basis of personal attachment and admiration, for it was by his personal qualities alone—his energy, his courage, his inflexible resolution, his imperious and unscrupulous conduct when in command, and, as the upshot of all these, his success—that he had collected such a vast constituency. Whatever of politics had marked his party during the preceding administration, had come from the fact that Adams' political opponents had merged in it; and the force of numbers had rendered their action simply negative and obstructive.

This "reform" proved to be nothing but an extensive removal of the subaltern and inferior office-holders under government, upon the self-same ground which, long ago, Jefferson defined and vindicated. Jefferson himself was not the inventor of it, his originality consisted in the application of a power, which was (constructively) bestowed by the constitution upon the President. Jackson's improvement consisted in the prodigious enlargement of the field in which he exercised this power, and the vast increase of the numbers he brought it to bear upon. The highest number of removals effected by any preceding President was thirty-nine; this was the extent to which Jefferson, in the course of eight years, for all reasons, had displaced Federal officials. His immediate predecessor, in the four years of his term, had removed ten, one of whom was a defaulter. Washington and Monroe removed nine each, during their administrations; one who was displaced by the former was a defaulter; and of those superseded by the latter, one had engaged in the African slave trade, and so was a pirate, one had gone mad, one got into a quarrel with a foreign government, one had been



guilty of "misconduct," and two were discharged for "failures." Madison had superseded only five, and three of them were defaulters. Whilst John Quincy Adams, whom the promise of "reform" implicitly condemned so unsparingly, had removed only two officials, and both for satisfactory reasons.

Immediately after the adjournment of the Senate, when their brief extra and *pro forma* session was over, the process of "reform" was begun; and before Congress met at the close of the year, the following results had been achieved. Four new ministers plenipotentiary had been appointed, two new *chargés d'affaires*, and four new secretaries of legation; the marshals and district attorneys had been changed in sixteen states, forty-eight collectors, surveyors, naval officers, and appraisers had been removed, to make way for other men, and twenty-six receivers and registers in Western Land Offices; twenty-one new consuls had been appointed; and in the department at Washington alone, forty-six changes had been made. Altogether, in the course of the nine months of the recess, a hundred and sixty-seven removals and re-appointments, in which the Senate could not not by any possibility have a voice, had taken place. If this were the promised "reform," no doubt could be entertained respecting the earnestness of the President in accomplishing it.

The new President, within the first year of his administration, conferred a greater number of offices upon members of Congress than any of his predecessors had done during their whole term of service. As the members appointed had been actively engaged in promoting his election, he was not only accused of inconsistency, but of carrying into practice that system of corruption which he depicted as the probable consequence of that mode of bestowing offices. The numerous appointments bestowed upon editors of violent political journals, were also severely criticised.

The introduction of the Postmaster-general into the cabinet was the means of effecting yet more spreading "reforms," through the enormous patronage vested in that functionary. Within a year and day of the beginning of this good work, four hundred and ninety-one postmasters had been displaced, and others appointed in their room. And, as if for the purpose of precluding the possibility of dispute respecting the ground of this proceeding, the number removed in eleven states or territories which had given their votes wholly or in part at the presidential election to Adams, or were (like Michigan) Northern in all their sympathies, was three hundred and nineteen; whilst in seventeen states or territories which had voted wholly for Jackson, or (like Arkansas) were Southern in their interests, only half that number, a hundred and sixty-one, had been removed. The number of "removals," in the first year of Jackson's administration, was thus very nearly seven hundred. And even this falls short of the total of party appointments in the same time, which included as well all offices falling vacant through the death or expiration of the term for which the former appointments had been made. There was thus effected "a reform, which could scarcely have been more complete, had a revolution taken place in the government itself, instead of a change in the persons administering it."

For the purpose of avoiding any appearance of injustice, we must extract a few sentences from Benton's "Thirty Years' View;" for as he numbers amongst

his authorities, "the private papers of General Jackson," he may not unfairly be regarded as his advocate in respect of questions such as this. This writer, after availing himself very skilfully of a mistake of De Tocqueville, concerning the course adopted by John Quincy Adams with the government officials, proceeds thus to defend his successor's policy:—

"He came into office under circumstances well calculated to excite him to make removals. In the first place, none of his political friends, though constituting a great majority of the people of the United States, had been appointed to office during the preceding administration; and such an exclusion could not be justified on any consideration."

"His election," continues the ex-senator, "was in some degree a revolution of parties, or rather a re-establishment of parties on the old line of Federal and Democratic. It was a change of administration, in which a change of government functionaries, to some extent, became a right and a duty. But still the removals actually made, when political, were not merely for opinions, but for conduct under these opinions; and unhappily there was conduct enough in too many officials to justify their removal." And then it is stated, at some length, that they exerted themselves against Jackson in the late election; so that to show how wrong this was they were displaced, and others appointed who had exerted themselves for him. This is only insinuated; the plain fact being admitted thus—"They were non-combatants. By engaging in the election they became combatant, and subjected themselves to the law of victory and defeat,—reward and promotion in one case, loss of place in the other."

Benton next turns to Jefferson for support, and then he "feels bound" to make a "declaration" to this effect, "that the doctrine of the Jefferson school [concerning removals] has been too much departed from of late, and by both parties, and to the great detriment of the right and proper working of the government." "The practice of removals for opinion's sake is becoming too common, and is reducing our presidential elections to what Mr. Jefferson deprecated, 'a contest of office instead of principle;' and converting the victories of each party, so far as office is concerned, into the political extermination of the other." "I consider 'sweeping' removals, as now practised by both parties, a great political evil in our country, injurious to individuals, to the public service, to the purity of elections, and to the harmony and union of the people."

We need not follow our author any further; it is enough for our purpose that he admits the unmitigated evil of the custom which Jackson introduced, the first step towards which was taken by Jefferson, whose authority he very properly cites in vindication of these proscriptions; though he fails to establish his claims to be more than a timid time-server, even in the gratification of his political hatred. "How often I think of" Nathaniel Macon (who never would accept an office, though often implored to do so), says Benton, "when I see at Washington robustious men going through a scene of supplication, tribulation, and degradation, to obtain office, which the salvation of the soul does not impose upon the vilest sinner!" He should have thought too of Jefferson and of Jackson, and given to them the credit which is justly due to them, and to the latter especially, of being the authors of this national infamy.

There was no other business of importance transacted during the recess.



and the twenty-first Congress assembled for its first session upon the 7th of December, 1829. There was a goodly gathering of the members of both Houses, and the strength of the administration amongst the representatives was shown by the re-election of Andrew Stevenson as Speaker, by a hundred and fifty-two votes, against twenty-one given to William D. Martin, and eighteen scattering. The next day the Message from the President was received.

It was of much greater length than had been customary, and the foreign relations of the government held the foremost place in it. Deferring our notice of this portion, we extract the first recommendations concerning domestic affairs which it offered to Congress. This part of the Message was looked to with far greater anxiety than usual, because so little was known of the political principles of the new President; his opposition to his predecessor having afforded scarcely even a negative glimpse of them.

"I consider it one of the most urgent of my duties, to bring to your attention the propriety of amending that part of our constitution, which relates to the election of President and Vice-President. Our system of government was, by its framers, deemed an experiment, and they, therefore, consistently provided a mode of remedying its defects.

"To the people belongs the right of electing their chief magistrate; it was never designed that their choice should in any cases be defeated, either by the intervention of electoral colleges, or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves, that in proportion as agents to execute the will of the people are multiplied, there is danger of their wishes being frustrated. Some may be unfaithful; all are liable to err. So far, therefore, as the people can with convenience speak, it is safer for them to express their own will.

"The number of aspirants to the presidency, and the diversity of the interests which may influence their claims, leave little reason to expect a choice in the first instance; and, in that event, the election must devolve on the House of Representatives, where, it is obvious, the will of the people may not be always ascertained, or, if ascertained, may not be regarded. From the mode of voting by states, the choice is to be made by twenty-four votes; and it may often occur, that one of these will be controlled by an individual representative. Honours and offices are at the disposal of the successful candidate. Repeated balloting may make it apparent, that a single individual holds the cast in his hand. May he not be tempted to name his reward? But even without corruption—supposing the probity of the representative to be proof against the powerful motives by which it may be assailed—the will of the people is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his constituents; another, from a conviction that it is his duty to be governed by his own judgment of the fitness of the candidates; finally, although all were inflexibly honest—all accurately informed of the wishes of their constituents—yet, under the present mode of election, a minority may often elect the President; and when this happens, it may reasonably be expected that efforts will be made on the part of the majority to rectify this injurious operation of their institutions. But although no evil of this character should result from such a perversion of the first principle of our system—that the

*majority is to govern*—it must be very certain that a President elected by a minority cannot enjoy the confidence necessary to the successful discharge of his duties.

“In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public will. Let us, then, endeavour so to amend our system, that the office of chief magistrate may not be conferred upon any citizen, but in pursuance of a fair expression of the will of the majority.

“I would therefore recommend such an amendment of the constitution as may remove all immediate agency in the election of the President and Vice-President. The mode may be so regulated as to preserve to each state its present relative weight in the election, and a failure in the first attempt may be provided for, by confining the second to a choice between the two highest candidates. In connection with such an amendment, it would seem advisable to limit the service of the chief magistrate to a single term, of either four or six years. If, however, it should not be adopted, it is worthy of consideration, whether a provision disqualifying for office the representatives in Congress, on whom such an election may have devolved, would not be proper.

“While members of Congress can be constitutionally appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations, as they are believed to be better qualified to fill than other citizens; but the purity of our government would doubtless be promoted, by their exclusion from all appointments in the gift of the President, in whose election they may have been officially concerned. The nature of the judicial office, and the necessity of securing in the Cabinet, and in diplomatic stations of the highest rank, the best talents, and political experience, should perhaps except these from the exclusion.

“There are perhaps few men who can for any great length of time enjoy office and power, without being more or less under the influence of feelings unfavourable to the faithful discharge of their public duties. Their integrity may be proof against improper considerations, immediately addressed to themselves, but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpractised man would revolt. Office is considered as a species of property; and government, rather as a means of promoting individual interests, than as an instrument created solely for the service of the people. Corruption in some, and in others a perversion of correct feelings and principles, divert government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or, at least, admit of being made, so plain and simple, that men of intelligence may readily qualify themselves for their performance; and I cannot but believe, that more is lost by the long continuance of men in office, than is generally to be gained by their experience. I submit therefore to your consideration, whether the efficiency of the government would not be promoted, and official industry and integrity better secured, by a general extension of the law which limits appointments to four years.

“In a country where offices are created solely for the benefit of the people,



no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men, at the public expense. No individual wrong is therefore done by removal, since neither appointment, nor continuance in office, is matter of right. The incumbent became an officer with a view to public benefits; and when these require his removal, they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain, when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living, that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property, now so generally connected with official station; and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system."

Much that is open to criticism in these passages, must be left unnoticed; but we may point out the statement that the constitution "was, by its framers, deemed an experiment," as singularly contradicted by the impediments thrown in the way of alterations, which were so considerable, that Jackson's recommendations in this first Message have never been carried into effect. It appears too, from one paragraph, that the general, though he had now attained the object of his ambition, the President's chair, could neither forget nor forgive his disappointment at the previous election.

Few will be disposed to agree with Jackson in his slight appreciation of the benefits of experience to officers of state, since how plain and incomplex soever the system of government and the functions of its officers might in theory be, practically (such is the perversity of human nature, even in the most favoured countries) they presented a very tangled and perplexed problem to the functionary who was intent upon the discharge of his duty; as we shall find proved subsequently by the President's own experience. We need not protest against that part of the representation, which evidently originated in the necessity the writer felt himself to be under, of justifying his wholesale removals.

The tariff next came under consideration. Its operation, the President said, had "not proved so injurious" to agriculture and commerce, "nor so beneficial" to manufactures, "as was anticipated:" a not uncommon result of protective legislation. Nevertheless, he "invited attention" to it, believing that "some of its provisions required modification."

The commercial world, it appears, had been harassed by "low prices, temporary embarrassment, and partial loss;" nevertheless, the financial statement wore a very satisfactory aspect. Adams had left in the treasury nearly 6,000,000 dollars. The receipts of the year were estimated at above 24,500,000 dollars, while the expenditure amounted to more than 26,000,000; so that the balance in the treasury at the end of the current year would be less than 4,500,000. During the year, nearly 12,500,000 dollars had been paid on account of the public debt, which amounted now to no more than 48,500,000. "The sudden withdrawal," "from the banks in which it had been deposited, at a time of unusual pressure in the money markets," says the Message, "of so large a sum" as nearly 9,000,000 dollars, which was paid off on the 1st of July, it was feared "might cause much injury to the interests dependent on

bank accommodations. But this evil was wholly averted by an early anticipation of it at the treasury, aided by the judicious arrangements of the officers of the Bank of the United States."

In anticipation of the time when, by the payment of the debt, the demand upon the Federal Treasury should be greatly diminished, while by the progress of commerce the revenue should be largely increased, it was suggested that the surplus should be apportioned among the several states, "according to their ratio of representation."

"Upon this country," the document proceeds, "more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. . . . It is our duty to preserve for [the government] the character intended by its framers. . . . Let us not undermine the whole system by a resort to overstrained constructions.

"The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. We are responsible to our country, and to the glorious cause of self-government, for the preservation of so great a good. The great mass of legislation relating to our internal affairs was intended to be left where the Federal Convention found it—in the state governments. . . . I cannot therefore too strongly or earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of state sovereignty. Sustained by its healthful and invigorating influence, the Federal system can never fall."

Many suggestions relating to the treasury department were next offered. They bore upon the method of collecting the revenue, the large amount of public money outstanding, the release of debts to the government "where the conduct of the debtor is wholly exempt from the imputation of fraud," and the numerous frauds committed on the treasury, which had necessitated several prosecutions. "And," continued the President, "in connection with this subject, I invite the attention of Congress to general and minute inquiry into the condition of the government, with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organisation of its various parts, to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations."

Pensions for the army, and for *all* the surviving soldiers of the revolution, the removal of the Indian tribes, the navy, the Federal judiciary, and the reorganisation of the Department of State, were next touched upon, and a foreshadowing of the subject, which has made this administration specially remarkable, was afforded by these paragraphs, occurring near the close of the Message:—

"The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our



fellow citizens; and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency.

"Under these circumstances, if such an institution is deemed essential to the fiscal operations of the government, I submit to the wisdom of the legislature whether a national one, founded upon the credit of the government and its revenue, might not be devised, which would avoid all constitutional difficulties, and, at the same time, secure all the advantages to the government and country that were expected to result from the present bank."

No subsequent Message of Jackson will require such minute notice as this, in which he unfolded generally his scheme of policy; of which we can say only, that in all its essential principles it was a reproduction of Jefferson's.

The appointments to office made during the recess were not immediately submitted to the Senate for its approbation. A month expired before the commencement of the long list was presented, and more than two months had elapsed before the last name was sent in. "This delay, which was attributed to the disagreement between the friends of the Vice-President and of the Secretary of State, although it tended to consolidate the strength of the administration, did not produce a general confirmation of the appointments." However widely opinions differed with regard to the necessity of that kind of "reform" which Jackson had attempted, by removing so many of the nominees of his predecessors, there was no difference as to the impropriety of his using the opportunities thus created for rewarding the electioneering services of his partisans. And in consequence, many of the nominations were rejected, "and in some instances the vote rejecting them was so large as to convey a strong censure upon the selection of the President."

From time to time we have noticed the question of the public lands, both as it appeared before Congress, and as it bore upon the welfare and progress of the states and territories in which they lay, and upon the interests of the aborigines, whose "title" to them had in every case to be voided, before any sales could be effected. In the last Book two new aspects of it were presented; one in Senator Benton's story of "Granny White," and the other in the Cherokee controversy with Georgia; both of which promised a very troublesome increase of the complications already existing.

We need not relate in full the events by which matters were brought to the position in which we now find them. Our readers will remember that the possession of the region between the Appalachian mountain range and the Mississippi was obtained by the general government by the treaty of 1783, subject only to the claims of the several states, under their charters as colonies, which were ultimately, on various grounds and considerations, renounced. The wider but less immediately valuable region beyond the Mississippi was acquired by the purchase of Louisiana, negotiated by Jefferson. And out of the whole of this extra state territory, which belonged to the United States, and could be held by the general government alone, it was proposed to construct new states, as rapidly as the settlement of it should justify the proceeding—settlers in general (for there were plenty of free grants for various services, and as bounties for enlistment, in the second war) being required to purchase their lands, the titles of which the government undertook to clear.

Owing to the failure of many speculative purchases, and the inability of other buyers to pay when the full sum was due, so much public money on the land account was outstanding after some years, that a measure for the relief of insolvent purchasers was passed by Congress, and the upset price per acre was reduced from two dollars to one and a quarter, on condition that the payment should be immediate. The practice of selling at the minimum price the lands not sold by public auction failed, however, as is not surprising, to bring purchasers for the less valuable tracts, and the states' governments looked upon the general government and its land system as hostile to the progress of their sovereignties in population and prosperity.

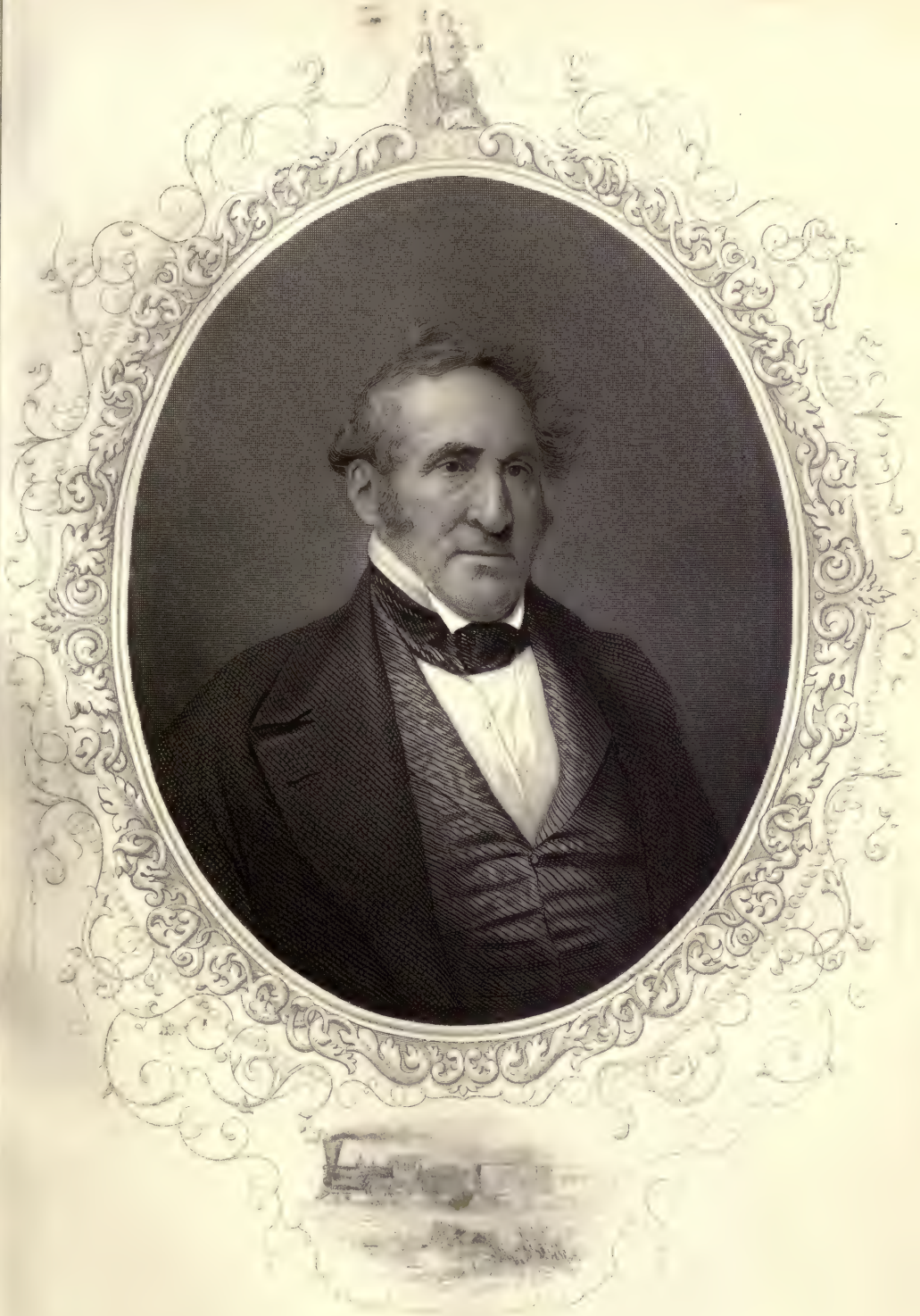
This was the feeling of the western states especially, and in 1826 Senator Benton, who was virtually the representative of that section of the country, proposed a system of prices graduated according to the actual value of the unsold lands, so as to secure a more evenly dispersed population; he also recommended the donation of small tracts to settlers, for the purpose of attracting such as were unable to migrate westward in consequence of poverty. How warmly the western states supported these propositions can be seen by the fact that the principle of state sovereignty was appealed to by the sober North, and Indiana could pass such a resolution as the following, on the 9th of January, 1829:—

“Resolved, by the General Assembly of the State of Indiana, that this state, being a sovereign, free, and independent state, has the exclusive right to the soil and eminent domain of all the unappropriated lands within her acknowledged boundaries; which right was reserved to her by the State of Virginia, in the deed of cession of the north-west territory to the United States; being confirmed and established by the Articles of Confederation, and the constitution of the United States.”

Nothing could more convincingly prove the necessity of some movement on the part of the general government than this resolution; and, accordingly, during this first session of Congress, under Jackson's administration, a few days before the end of the year, Senator Foot, of Connecticut, presented to the branch of the legislature in which he sat this resolution:—“Resolved, that the Committee on Public Lands be instructed to inquire into the expediency of limiting, for a certain period, the sales of the public lands to such lands only as have heretofore been offered for sale, and are subject to entry at the minimum price, and also whether the office of Surveyor-general may not be abolished without detriment to the public interest.” To which was soon appended by an amendment the following alternative—“or whether it be expedient to adopt measures to hasten the sales, and extend more rapidly the surveys of the public lands.”

Foot's design in proposing this resolution was simple and manifest enough. The average annual sales of public lands amounted to a million of acres, and there were nearly a hundred millions of acres of the national domain already surveyed unsold; which he thought would supply the market were the annual sales to experience a far more remarkable rise than was at all probable, for more than the lifetime of one generation; so that if his suggestions were adopted, a considerable retrenchment of the public expenditure might be effected, without any diminution of the revenue from that source, or any hindrance to the settlement of the west.





*Thomas H. Benton*





The usual course when a resolution proposing an inquiry was presented, was to postpone the discussion till the committee should report something which required the action of Congress. On the present occasion, however, this course was not pursued, for Senator Benton at once resisted the resolution; its effect, he tells us, if sanctioned upon inquiry, and carried into legislative effect, "would have been to check emigration to the new states in the west—to check the growth and settlement of these states and territories, and to deliver up large portions of them to the dominion of wild beasts." So he and other western members, he adds, "treated it as an injurious proposition—insulting as well as injurious, and not fit to be considered by a committee, much less to be reported upon and adopted." And he gives an "extract" from his great speech, in which these views are urged with energy enough, if also with some irrelevancy of argument. "The debate spread," he continues, "and took an acrimonious turn [whereat we are not in the least surprised, after reading his own account of the way in which he 'opened' it], and sectional, imputing to the quarter of the Union from which it came [Benton is too modest to say that he himself was the author of this imputation against the patriotism of New England; which we can but regret] an old and early policy to check the growth of the west at the outset by proposing to limit the sale of the western lands to a 'clean riddance' as they went—selling no tract in advance until all in the rear was sold out."

"The real and only material objection," according to another authority, "to a discontinuance of the surveys was, that it might abridge the emigrant in his choice of lands, and in this manner impede the progress of settlement." But it must be considered somewhat hypercritical to urge such an objection, when there were almost a hundred millions of acres for the emigrant to choose from; and the unsurveyed lands lay so far from the inhabited regions, as to offer little inducement to the formation of any isolated settlement. Here, in truth, and in Benton's statement of the ever-expanding vortex of this debate, we may discover the real purport of this congressional combat—which from the moment of his rising became *à l'outrance*. Webster's biographer regards it as an unfortunate accident that, in this case, as in so many others, "a resolution of inquiry on a business question of no urgent importance, intended to have no political bearing, and brought forward without concert with others, by an individual," became "the theme of impassioned debates for weeks and months, to the serious obstruction of the real business of Congress." The annalist ascribes it to Calhoun's melancholy discovery that he had no power under the constitution, as President of the Senate, to maintain order in the debates.

But, in a country where local interests are the basis of all political parties, they necessarily produce what the logician denominates "cross divisions," and by an inevitable "association of thoughts," in impassioned discussion, on a matter of itself innoxious, but casually suggestive of harm, in an assembly without any preventive from wandering from the question, the current of discourse must wander far and wide. In an instrument cunningly strung, like the Senate, if any chord be roughly sounded, every other will vibrate responsively according to its harmonical relations with that one; and discord enough, though not absolutely irresolvable, ensue.

And thus it happened in this debate, commenced by Benton, on the ground

of the hostility between the interests of the old states on the Atlantic and the new ones in the valley of the Mississippi, it at once deviated to the alleged un-Americanism of New England; and as it was on the slavery question that New England most resolutely stood opposed to the South (Missouri, though a western state, being still more emphatically a southern one in consequence of the circumstances of its admission to the Union), the struggle became one between slave-soil and free. There was also another channel by which these waters of strife flowed in this direction—the introduction into, and subsequent elimination from, the famous ordinance of 1787, on which the state-organisation of the west was based, of the anti-slavery clause; and this was deepened by the attempt to deprive Jefferson of the credit of originating, and the reproach of abandoning, this condition, made by Webster, and much too successfully rebutted by Benton, who did not see that the orator of Massachusetts was only making the inconsistency of his "northern section" the more flagrant.

From this new point of departure, the subject of "removals" was arrived at next, by an easy and direct course; but only on the way (*en passant*, as it were), to the most recent and most menacing matter of difference between the North and the South—the Protective Tariff; whence at a single step the grand controversy regarding the fundamental nature of the constitution, and the practical question of "Nullification," were reached!

Space and time alike would fail us, should we attempt to give a particular account of all the speakers and speeches of this celebrated debate. Yet some very brief mention of the most conspicuous is necessary. Benton, who commenced it, and struck the key-note for the party, and Hayne, of South Carolina, who concurred with Benton in the conviction "that it could never be right to inquire into the expediency of doing a great and acknowledged wrong" (as if the very question were not what was right in this matter), these were the leaders against Foot's resolution. On the other side stands Daniel Webster, who on this occasion transcended all his former efforts, in two speeches delivered almost without premeditation, certainly without previous study, which triumphantly "vindicated the government, under its successive administrations, from the general charge of having managed the public lands in a spirit of hostility to the western states," and "New England against the accusation of hostility to the west."

The second of these great orations, spoken in rejoinder to Hayne's reply, was a forcible appeal to the verdict of history in a question of moment to the very existence of the Union. The author of "Reminiscences of Congress" has depicted the scene presented by the Senate on that Tuesday, January the 26th, 1830, "a day to be thereafter for ever memorable in senatorial annals."

"There never was before in the city," says he, "an occasion of so much excitement. To witness this great intellectual contest multitudes of strangers had for two or three days previous been rushing into the city, and the hotels overflowed. As early as nine o'clock of this morning crowds poured into the Capitol in hot haste; at twelve o'clock, the hour of meeting, the Senate Chamber (its galleries, floor, and even lobbies) was filled to its utmost capacity. The very stair-ways were dark with men, who clung to one another, like bees in a swarm. The House of Representatives was early deserted. An adjourn-



ment would have hardly have made it emptier. The Speaker, it is true, retained his chair; but no business of moment was, or could be, attended to."

When at length the great master of eloquence commenced, "Every head was inclined closer towards him, every ear turned in the direction of his voice, and that deep, sudden, mysterious silence followed, which always attends fulness of emotion. From the sea of upturned faces before him, the orator beheld his thoughts reflected as from a mirror. The varying countenance, the suffused eye, the earnest smile, the ever-attentive look, assured him of his audience's entire sympathy. If among his hearers there were those who affected at first an indifference to his glowing thoughts and fervent periods, the difficult mask was soon laid aside, and profound, undisguised, devoted attention followed. In the earlier part of his speech, one of his principal opponents seemed deeply engrossed in the careful perusal of a newspaper he held before his face; but this, on nearer approach, proved to be *upside down*." "There was scarcely a dry eye in the Senate, all hearts were overcome; grave judges, and men grown old in dignified life, turned aside their heads to conceal the evidences of their emotion." "Many who had entered the hall with light, gay thoughts, anticipating at most a pleasurable excitement, soon became deeply interested in the speaker and his subject, and surrendered him their entire heart; and when the speech was over, and they left the hall, it was with sadder, perhaps, but surely with far more elevated and ennobling emotions."

One or two paragraphs of the speech itself, although the wondrous effect produced at the moment was owing to the tones, gestures, and burning glances of the speaker, we must give, to show the quality of the oration.

"Mr. President," said Webster, when he reached that part of his opponent's remarks which had reflected severely upon the Old Bay State; "Mr. President, I shall enter on no encomium upon Massachusetts; she needs none. There she is. Behold her, and judge for yourselves. There is her history; the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain for ever. The bones of her sons, falling in the great struggle for Independence, now lie mingled with the soil of every state, from New England to Georgia; and there they will lie for ever. And, sir, where American liberty raised its first voice, and where its youth was nurtured and sustained, there it still lives, in the strength of its manhood, and full of its original spirit. If discord and disunion shall wound it, and party-strife and blind ambition shall bark at and tear it, if folly and madness, if uneasiness under salutary and necessary restraint shall succeed in separating it from that Union by which alone its existence is made sure, it will stand in the end by the side of that cradle in which its infancy was rocked; it will stretch forth its arm, with whatever of vigour it may still retain, over the friends who gather round it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin."

"The people," said he, as he drew near the close, "have preserved this, their own chosen constitution, for forty years, and have seen their happiness, prosperity, and renown, grow with its growth, and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault

it cannot be; evaded, undermined, NULLIFIED, it will not be; if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and righteously discharge the two great branches of our public trust—faithfully to preserve, and wisely to administer, it.

"Mr. President, I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you and the Senate much too long. I was drawn into the debate with no previous deliberation, such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments. I cannot even now persuade myself to relinquish it, without expressing once more my deep conviction, that, since it respects nothing less than the union of the states, it is of most vital and essential importance to the public happiness. I profess, sir, in my career hitherto, to have kept steadily in view the prosperity and honour of the whole country, and the preservation of our Federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the same school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social, and personal happiness.

"I have not allowed myself, sir, to look beyond the Union, to see what might be hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of discussion to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counsellor in the affairs of this government whose thoughts should be mainly bent on considering, not how the Union may be best preserved, but how tolerable might be the condition of the people when it should be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that in my day, at least, that curtain may not rise! God grant, that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonoured fragments of a once glorious Union; on states dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched (it may be) in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honoured throughout the earth, still full high advanced; its arms and trophies streaming in their original lustre; not a stripe erased or polluted, not a single star obscured; bearing for its motto no



such miserable interrogatory as, 'What is all this worth?' nor those other words of delusion and folly, 'Liberty first, and Union afterwards;' but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea, and over the land, and in every wind under the whole heavens, that other sentiment dear to every true American heart—Liberty and Union, now and for ever, one and inseparable!"

Senator Benton tells us, that for the purpose of "helping" the overwhelmed South Carolinian "where he could," he "ridiculed, as well as he could," this "fine peroration," notwithstanding its "noble sentiments;" "deeming it a fit subject for gentle castigation," because he "really thought it out of place." The issue of this hotly agitated question was the passage of the bill brought forward by Benton in the Senate, early in the session; but it was taken to the House of Representatives too near the day of adjournment to allow any discussion, and it was ordered, with others in the same circumstances, "to lie upon the table."

Next in importance to this debate, and the effect of Webster's speech upon the internal affairs and relations of the Union, may be reckoned the revision of the Tariff Law; although, like so much of the commercial legislation of America, it was purely of a temporary nature. The principal discussion arose regarding a bill reported by the chairman of the committee on manufactures, to regulate the entry of woollen importations: but it was renewed and extended by the introduction of other bills, and of amendments, the relevancy whereof to their original motions is not obvious; and the entire effect was certainly not in favour of the larger policy advocated (in this instance) by the Southern party. Nor could the passage of several bills, reducing the duty on salt and molasses, tea and coffee, &c., be regarded as anything more than a strong expression of discontent with the tariff of 1828; which, as we showed, was in fact a compromise law of a singular nature—no section being able to insert any provision it desired for itself, but each contriving to introduce one or more which it knew would be injurious to all the others. The tonnage duties, and the whole question of a reciprocal policy, which (according to Benton, who exhibits the democratic signification of "free-trade" thereby) is the true commercial policy of the Union, were also largely ventilated on this occasion. But the most instructive, and at the same time the most painful part of the business, was the disclosure of frauds on the revenue amounting (it was said) to some *three millions a year*.

How the President fulfilled his promise of "reform" has been related, and although it was most flagrantly illusory, the nation hoped that the other promise of "retrenchment" would not prove so; especially as the treasury was so well replenished, and it depended not merely on the word of the executive, but was in the hands of his supporters in Congress. And in both Houses great show of activity was made. No fewer than ten bills, with some resolutions to boot, were brought forward amongst the representatives; but most of them got no further than the first stages, one reached the Senate, and there expired, and one became law—which was a measure for curtailing the expenses of government by the odd expedient of abolishing the practice of examining the books of the land officers yearly, and ascertaining the balance in the hands of the receivers. The office of draughtsman to the House was abolished by resolution, "after long and frequent debates;" and nothing else at all was accomplished.

Bills for reforming the mode of publishing the laws, the appointment of postmasters, the displacement of defaulters, &c., introduced by Benton in the Senate, met with the like untimely and unexpected end. And so too did a resolution upon Jackson's recommendation to amend the constitutional mode of electing the President and Vice-President. So that the taunt of the opposition was abundantly justified—"These subjects of excitement had subserved the purposes for which they were intended, and the object of the agitation being answered in the triumph of their party, the instruments by which they had accomplished their ends were laid aside as no longer necessary."

The Bank question was not taken up in a manner which gave any indication of the form it was destined speedily to assume. It could be handled, at this time, only as a matter of speculation; for the Bank of the United States had not applied for a renewal of its charter. The Finance Committees of the Houses investigated the President's suggestion in this spirit; the report presented to the representatives treated the constitutional difficulty as *de facto* non-existent; seeing that the first bank had been chartered by a government composed in good part of the framers of the constitution; and that all the Presidents, and the Federal judiciary, had given their distinct sanction to the institution. The refusal to renew the charter, also, which had been effected by the majority of one vote in the House, and by the casting vote of the President of the Senate—the Bank having been regarded as a Federalist establishment—had led to such disorders in the currency, and in the public finances and credit, that the second Bank had been incorporated by large majorities in Congress as the only effectual remedy. As to the expediency of renewing the charter when the Bank should apply, the report showed that the ends for which the charter had been granted had been answered, and that, therefore, a regard to the public interest would dictate its renewal.

Jackson's proposed *government* national bank the report declared unlikely to furnish a currency without branches; whilst "with branches it would be still more objectionable, as it invested the Federal government with patronage of most extensive influence, and embracing the control of all the bank accommodations to the standing amount of 50,000,000 dollars. Such a control would introduce more corruption in the government than all the patronage now belonging to it. It was a desperate financial experiment, without parallel in the history of the world." And to the same effect the committees of the Senate reported—a circumstance ominous enough for any executive of less resolution than Jackson, because his supporters were a clear majority in Congress, and they knew that this Bank question was one he had set his heart upon, because he was uneasy so long as any persons beside the government possessed such an amount of patronage and influence in the nation, as the extent and nature of the business of a national bank necessarily gave to its managers.

Amongst the minor Acts we note the re-appropriation of 30,000 dollars for the suppression of the slave trade, which had been appropriated two years before, on the basis of an Act of Congress passed in 1819, but was not expended; which showed the kind of zeal for the suppression of that shameful traffic possessed by Congress;—the grant of half the sum claimed by Massachusetts for expenses and militia services from 1812 to 1814, which had been refused before, though



why no more than half should be allowed now does not clearly appear; and the appointment of a new officer, the Solicitor of the Treasury, and of eight additional appraisers to examine imported goods (no new regulation to prevent frauds having been made), by which the first instalment of legislative retrenchment and reform was completed. The session terminated on the 31st of May, 1830.

It was a busy session, notwithstanding the interminable debates; a larger number of Acts passed than ever before had passed in one session, though some had been considerably longer; and no fewer than *four vetoes* were given; two having been the highest number given before in one session, and that by Madison, who gave only four during his eight years; Washington having given only two during his double term, Monroe one, and Jefferson and the two Adamses none at all. One of Jackson's vetoes was placed in bar to an Internal Improvement Bill, known as the Maysville Road Bill; and in his Message accompanying it, he at once disappointed the hopes of his warmest supporters from the middle and western states, and placed his presidential proceedings in direct opposition to those of his earlier congressional career. Yet more remarkably, instead of adhering to the directions of the constitution, and simply returning the bill with his objection, he offered to approve it on certain conditions; which being, in effect, as said at the time, "a declaration that he would apply an *un-constitutional* appropriation upon a constitutional object," deserved to be stigmatised as the superaddition of "a breach of his own duty as the chief executive magistrate of the Union," "to a legislative violation of the constitution." Benton, with the warmth of a personal friend, as well as the zeal of a chief spokesman of the democratic party, insists that this veto and its sustaining Message, together with Madison's regarding a bill for authorising Internal Improvements generally, and Monroe's upon the Cumberland Road Bill, and "the action of Congress upon them," "may be considered as embracing all the constitutional reasoning upon the question, and enough to be studied by any one who wishes to make himself master of the subject." It could not be expected that Benton should allow, by even the faintest implication, that there could be any "constitutional" reasoning on the other side; though some American statesmen, and those not the least eminent, have held that opinion.

Congress seems to have been very imperfectly convinced by the "constitutional reasoning" of the President's Maysville Road Bill Message, for it proceeded to discuss and also to pass several other bills, to which that reasoning, if it developed any general legislative principles, ought to have applied with all the force of an argumentative *veto*; and that, too, by majorities which showed how much ground the administration had lost by acting (as it appeared) without a rule or maxim, which could be enunciated so that the legislature might know what the President's policy really was. Some of these bills received his approval, others he retained to the full extent of the time allowed by the constitution, so that they could not be considered till the next session; a course which excited all the more dissatisfaction because the letter of the constitution was so observed, that the violation of its spirit was the more manifest.

Whilst matters were thus proceeding in the Capitol, a deadly feud between two of the divisions of the democrats, by means of a feud between their leaders,

was ripening in the very bosom of the government. The ultimate causes of this dispute and rupture, as with every other one, were many; and whilst some were patent enough, others were so entirely personal and private as never to find public expression. Jackson and the Vice-President, John C. Calhoun, were perhaps the most distinguished men of their party, and both were characterised by strong and imperious wills, impatient of control. This was an element of mischief; and as Jackson was the least scrupulous, looked most directly to the object to be attained, and least to the means and way of attaining it, he had an advantage over his antagonist which could not fail to make itself felt.

Americans of the present day do not need to be reminded, that as soon as a presidential election is over, if not before, hopes, speculations, and plans, begin to be formed regarding the "succession," as John Adams called it. In the case of John Adams and Jefferson, the vice-presidency had been the first stage towards the presidency; but Madison, Monroe, and John Quincy Adams had been advanced to the seat of the executive from the desk of the Secretaryship of State. Jackson was the first, after Washington (we need not stay to discuss the points of unlikeness, as well as those of similarity, in the two instances), who owed his elevation to his military renown, whose primary electors were the patriot forces he had led to victory. No successor on such a ground as this could be found, and thus the only "heirs presumptive" were the Vice-President Calhoun, and Van Buren the Secretary of State, and their claims were inevitably irreconcilable. In addition to these considerations, there was "Nullification," which, if Jackson had been in any position except the presidency, he might have been expected to take up, and make his own-battle-ground against the government; but, as he was at the head of affairs, was, without controversy, *lèse-majesté*.

How the quarrel broke out we will now briefly tell. There existed a disagreement between Calhoun and the Secretary of War, Major Eaton (who had been introduced into the cabinet, "solely on account of the confidential relations and intimate friendship subsisting between him and the President"), respecting Mrs. Eaton (daughter of a person who had kept an oyster-shop and "bar," at Washington, and with whom the ladies of Washington refused to associate), in which Jackson took the part of his friend. Van Buren soon discovered that "the most direct road to Jackson's confidence was by sustaining his view of this delicate subject," and in consequence "made signal efforts to facilitate" the admission of Mrs. Eaton into society. The President, charmed with this faithfulness, was not long in transferring to his Secretary of State all the confidence he had bestowed upon the Vice-President, the Secretaries of the Treasury and Navy, and the Attorney-general, who were thus rendered a novel species of "opposition" to Jackson and the other members of his cabinet; and the schism was not without its influence upon many questions of great public importance.

No open rupture, however, occurred till near the close of the session of Congress we have just spoken of, when "by the agency of a particular friend of the Secretary of State," a letter written by Crawford to Forsyth, accusing Calhoun of having, when in Monroe's cabinet, proposed a censure upon Jackson, for his manner of conducting the campaign against the Seminoles, was placed in the hands of the President. Calhoun had but a few days before demonstrated



his adherence to Jackson, by securing with his casting vote the confirmation of Amos Kendall's appointment (which had caused great scandal); nevertheless an explanation of the charge was at once demanded by the President, in a tone which plainly showed a determination to receive none as satisfactory. Calhoun, in reply, showed that Jackson must have known his opinion upon the conduct of the Seminole war, and then turned aside to discuss the reasons for the revival of this affair, showing that it clearly was intended to cause a breach between him and the President, and so to damage him in the opinion of the friends of the administration. The further stages of the quarrel will soon require notice, and the consequences of the whole upon the actors and the party will then appear.

During the year 1830, the fifth census of the States was taken, and the results were these:—Of free whites there were, under twenty years of age, males, 2,996,405; females, 2,907,347;—between twenty and forty, males, 1,548,697; females, 1,473,648;—between forty and sixty, males, 597,009; females, 579,456;—above sixty, males, 210,967; females, 209,803. The number of free coloured persons amounted to 319,576; and there were 2,009,050 (but other statements reduce the two last figures to 43, and even to 31) slaves. The grand total appears variously as 12,858,670; 12,866,020; and 12,866,920.

Vermont alone appears without a slave; but only 2,795 are enumerated in all the northern states; yet the thralls amounted to nearly one-fifth of the entire free population; and constituted a full third of all the inhabitants of the slave states.

The increase of the population, when compared with the numbers ascertained in 1820, was just thirty-three and a quarter per cent.; but, compared with those in 1790, the increase was above three hundred and twenty-seven per cent. The decennial increase in the Atlantic states, in 1830, was above twenty-nine and three quarters per cent., and in the western states, above sixty-three and a half; whilst in the free states it was above thirty-five and three quarters, and in the slave-holding states under thirty per cent.

When the adjustment of the number of representatives to the number of inhabitants now ascertained was made in 1833, the free states gained eighteen additional representatives, whilst the slave-holding states gained but nine.

The second session of the twenty-first Congress opened on the 6th of December, the Message being sent to both Houses on the following day. After the customary references to the external relations of the Union, the document proceeded to speak of the bills for effecting internal improvements, that had been retained by the President at the conclusion of the last session, and were now returned to Congress without approval. "It was not possible," said the President, "within the time allowed me, before the close of the session, to give these bills the consideration which was due to their character and importance; and I was compelled to retain them for that purpose." And then he stated at great length his reasons for negating them; the only one wearing the semblance of a principle being, that the passage of such laws would produce contests in the legislature amongst the states, for the expenditure of the surplus

revenue for their benefit; to obviate the danger of which, a rateable distribution of the surplus amongst them was recommended, instead of devoting it to "internal improvements."

The necessity of amending the constitution, in respect of the mode of electing the President and Vice-President, was once more pressed upon Congress, the possibility of the choice devolving upon the House of Representatives being always the great evil which was to be guarded against. The financial report was in every respect most favourable. The receipts for the year were expected to exceed 24,160,000 dollars—being about 300,000 more than had been reckoned upon when the last annual report was presented. The expenditure amounted to almost 13,750,000 dollars, beside payments on account of the public debt, falling little short of 11,500,000. And the balance in the treasury at the end of the year was expected to be above 4,800,000 dollars.

The Message further recommended the placing of the Attorney-general, as to compensation, "on the same footing with the heads of the several executive departments," and the extension of his functions so as to make "the office one of daily duty." The authorisation of the election of a delegate for the district of Columbia was suggested. And, finally, after the reiteration of the doubt formerly expressed concerning the constitutionality of the United States' Bank, the President recommended that a branch of the treasury department should be authorised to sell bills of exchange, based on the credit and revenues of the government, and to receive money on deposit; but not empowered to purchase property or make loans.

First in importance of the legislative business of the session prescribed by the Message, were the measures for the promotion of internal improvement, which, in complete neglect of the President's scruples, were passed by Congress. Nor was this practical resistance offered to Jackson's views without consideration—a committee sat upon the objections by which he had justified his vetoes, and the report presented by it, through one of the supporters of the administration, strongly and pointedly condemned his opinions, and concluded by a resolution affirming the expediency of continuing the prosecution of internal improvements by appropriations of money, and by subscriptions for stock in companies incorporated in the states wherein the improvements might be effected, on the part of the general government.

So decisive were the majorities in both branches of the legislature, by which the bills with this object in view were passed, that "the President and his cabinet found themselves compelled to yield to public opinion," and approve them, in spite of the decided disapprobation which they had expressed for measures of precisely the same character and intention. And it was considered that this course of policy was now established as that of the nation, nothing being required to carry it most beneficially into effect, but prudence and harmony on the part of the different sections of the government.

The other measures of the session deserving mention were, an Act to amend the laws of copyright, extending the term to twenty-eight years; and for fourteen years, if the author, &c., should be living, or have left widow or child living, at the conclusion of that term; one for the relief of certain insolvent debtors of the United States; another for finally adjusting and settling



the claims of James Monroe, the late President, against the United States; and various appropriations for internal improvement, as that for carrying on the Cumberland Road, and that for improving the navigation of the Ohio. Others will come under notice in other chapters. Congress expired on the 3rd of March, 1830.

No sooner had the labours and debates of the legislature ceased to engross the attention of the nation, than the schism in the government demanded it. It had grown ever wider during the session, and now at length showed itself as an open rupture; for Calhoun printed the correspondence we have already spoken of, thereby declaring himself an injured man, and appealing to the country against those who had done the wrong. Warmly supported as he was in the South, and not without partisans in the middle states, this step of Calhoun's could not fail to damage the administration, which had already, by its uncertain policy, lost much of its influence in Congress.

There was another circumstance which not a little affected its credit with the people. From the first, the President discontinued the practice of holding cabinet councils. It was, consequently, first, a wonder how the affairs of the government were conducted, and next, it was asserted that Jackson was not so inaccessible to advice from others as this seemed to indicate, there being in fact an unofficial and unconstitutional squad of advisers at the White House, by whom reports respecting public persons and movements were collected and communicated to the private ear of the executive, and his proceedings, Messages, appointments, &c., were concocted and directed. The opposition called this supposed *privy council*, "the kitchen cabinet." Whether this were so or not, no doubt could be entertained respecting the ascendancy which the Secretary of State had acquired over the President; and in Congress his name was mentioned in a way that must have been far from gratifying, either to him or to his patron.

How the newspapers throve upon this *scandalum magnatum*, needs not be told; nor how some, as *The Telegraph*, changed sides and became organs of the democratic opposition; whilst others, like *The Globe* (which came into existence at the time of Jackson's accession, for the purpose of being the representative of his party), remained true to the conqueror at New Orleans.

We owe to Benton's zeal for the memory of his friend, the publication of Jackson's reply to Calhoun's pamphlet; but we are compelled with great regret to say, that except as a literary curiosity, and as affording to the enemies of America a justification of their worst accusations of *mala fides* in her dealings with Spain (a service for which, in old times, a man would have been held guilty of *parricide*), except on these grounds, the "exposition of Mr. Calhoun's course towards General Jackson," serves no purpose whatever; and on every other consideration, as especially on the second of the grounds just named, it would have been infinitely better to let the thing remain in MS. for ever. Besides, this "exposition" assumes that the only matter of controversy between the President and the Vice-President was the censure alleged to have been passed by the latter, in Monroe's cabinet, upon the conduct of the former, in the Seminole war; and as Benton states, "that Mr. Calhoun himself was the sole cause of breaking their friendship, and consequently, the sole cause of all the

consequences which resulted from that breach." Whereas it was well known at the time, that there were at least two other "causes," which, although, or even by reason of, their being of a most secret and personal nature, operated the more powerfully. They were, that quarrel of Calhoun's with Major Eaton, Secretary of War, respecting Mrs. Eaton, and the assiduous court paid to the President by M. Van Buren, Secretary of State.

One more complication in this ravelled skein (which reminds us of the staple of the History of England in the days of Queen Anne, though it is little less than miraculous to find a parallel between the weakest queen of Great Britain and the most imperiously resolute of the presidents of the United States) remains to be spoken of, before we can relate the *dénouement*. It was Jackson's remarkable destiny to act when in power in contradiction to almost every political dogma which he had distinctly avowed before he reached the height of his ambition. How, by his most original scheme of "reform," he contradicted and discredited the patriotism of the counsel he had offered to Monroe upon appointments, we have seen. We now find him, like his predecessor Jefferson, after having implored Congress to amend the constitution by making the executive eligible for no more than a single term of office, accepting the nomination for a second term.

Yet it must be admitted that there was much to justify the change of opinion. This feud in the cabinet had so split and rent the party, that the consequences of a presidential election, in which all the candidates for the principal office should be new men, might have been most fatal, not to the cause of the democrats alone, but to the cause of *democracy* itself. Added to which we can see, in the earnestness with which Mr. Van Buren is said to have pressed his patron to allow himself to be put in nomination for a second term, the operation of the hope (which did not deceive him) of being himself carried by the eddy, as it were, first to the vice-presidency, and then to the White House. But whatever the motives and causes for this practical contradiction to his own advice to Congress, it is certain that first of all his adherents in the legislature of Pennsylvania expressed their desire to see him continue in office for another term, and then at a caucus of his friends in the New York legislature, on the 13th of February (that is to say, before the close of the first session of Congress, during his administration), it was resolved that he ought to be nominated again: and this year, 1831, he consented to stand. Calhoun's friends, we learn without astonishment, saw now that their cause was lost; how much this may have had to do with the outburst of *nullification*, and its summary suppression, our readers will be able to judge, when we shall have related the facts of this episode in American history.

Matters were in this state when, on the 20th of April, the whole country was startled by the intelligence that the ministry had resigned. What could have occasioned this unexampled step? Were the intrigues and manœuvres of European courts and constitutions to be introduced into America? Mr. Calhoun's pamphlet could not have possessed divulsive force sufficient to account for this movement—for he was only Vice-President; only an aspirant, not a candidate, for the actual enjoyment of the power of the executive; and he was identified with "nullification," which found favour with no more than a moiety



of the South, was dreaded and detested everywhere else, and had so little pith and substance that the *words* of the senator from Massachusetts seemed to have rendered its realisation for ever impossible. All was mystery, curiosity, and conjecture. Even the publication of the letters of resignation from the members of the cabinet failed to throw any light upon the subject; indeed it rather added to the universal perplexity by disclosing the existence of fresh mysteries: except the fact that the President, having accepted the demission of the Secretaries of War and State, requested those of the Treasury and the Navy to follow their example, the public learned nothing from these documents. Nay, the intimation contained in the President's own statement, of his reason for preferring so unexpected and unusual a request, that he had come to the conclusion that he must completely reconstruct his cabinet, because "it *had* come together in great harmony, and as a unit,"—this only stimulated further inquiry and hypothesis.

Month after month this excitement lasted; new Secretaries of State and the Navy had been appointed, Edward Livingston (whom we have known in various connexions, earlier in our story) to the former office, Levi Woodbury to the latter; when in the middle of June, the Attorney-general, who had been absent from the seat of government during the former part of the recess, returned to Washington and sent in his resignation. The mystery was explained and the universal inquisitiveness gratified now, for this ex-functionary informed the astonished nation that the harmony of the cabinet had been disturbed and destroyed by the determination of the President to compel the families of the members he had "dismissed" to associate with the wife of Major Eaton.

"By his statement it appeared that these ladies had, in accordance with the general understanding of the female part of society at Washington, declined to visit the family of the Secretary of War, and that this neglect being resented by that gentleman, had produced a coolness between him and the heads of those families. As the President warmly espoused the feelings of the Secretary of War, as of an old and confidential friend, it was rumoured early in the year that their removal would be a consequence of this resentment." In fact, it was avouched by this witness that the President had warned him and those who shared his opinions that "unless they would consent to at least a formal intercourse between their families and that of the Secretary of War" they would be removed from their offices; that they all refused compliance with this "request;" and "other friends" interfering, Jackson was induced to abstain from fulfilling his threat. The only reply which the friends of the chief magistrate could make to this last charge was the allegation of Richard M. Johnson, who had been the medium of the "warning," that "he was in no shape authorised by the President," but was "actuated solely by a desire to prevent a dissolution of the cabinet." Which statement was supported by "an authorised publication on the part of the President."

As might be expected, however, from the common experience of men in such matters, no one believed these disavowals; and whilst all were persuaded that a mere domestic broil had caused the disruption of the cabinet, the most were quite satisfied that it should be broken up by any means capable of producing that effect. In addition to the two appointments before mentioned, Louis M'Lane was now made Secretary of the Treasury; Louis Cass, Secretary of

War; and Roger B. Taney, Attorney-general. The Postmaster-general was not dismissed, on the ground that he had to answer some charges of corruption brought against him in the Senate, and it would seem to be an evasion of the ends of justice had he been displaced before those charges were either withdrawn, or investigated, or explained.

These, however, were not all the political movements of this critical period. The victory of Jackson's party had, indeed, been so signal, and the steps taken by their chief to consolidate the advantages he had acquired had been so effectual, that a party in opposition, during the first two years of his administration, cannot be said to have existed. But the elements of a powerful party were there; and as it gradually became evident to those who had been leaders, but now found themselves superseded by lesser men, that the "platform" of the President's democracy was a patchwork of dogmas from all political creeds, and that no article of it, except perhaps Jackson's faith in himself, was permanent, they began to take heart again. The disruption of the cabinet largely promoted their designs; and there soon was seen a declared opposition, not without the commencements of organisation, assuming an attitude of hostility, not only in general to the measures of the government (for it would scarcely be said to have a policy), but especially also to the re-election of Jackson.

At the head of this party, which had sprung into existence in a manner strongly resembling the genesis of Jackson's own party, stood Henry Clay; and the name taken by it in the states where it was strongest was "National Republican," a name by far too long to endure. No time was lost by the active members of this new opposition; but having secured the nomination of their chief as candidate for the presidency by some of the state legislatures, they advised the holding of a national convention, at Baltimore, in the coming December.

On December the 5th, 1831, the twenty-second Congress assembled for its first session. Andrew Stevenson was once more elected Speaker, the only other candidate who received many votes being Joel B. Sutherland, of Pennsylvania. And next day the Message was read in the Houses.

The greater part of this document referred exclusively to foreign affairs, and the relations of the administration to the Indian tribes was fully discussed. "It is confidently believed," said the President, "that perseverance for a few years in the present policy of the government, will extinguish the Indian title to all lands lying within the states composing our Federal Union, and remove beyond their limits every Indian who is not willing to submit to their laws." The advancement of this hapless race in "the habits and enjoyment of civilised life"—as if any race, without mixing to a large extent with one or more other races, ever had or ever could advance from primeval barbarism, one step on the road to civilisation—was also foretold.

The amount of the revenue was anticipated at 27,750,000 dollars; whilst the total expenditure was no more than 14,750,000. More than 16,500,000 dollars had been applied to the reduction of the public debt, and the payment of interest upon it. So that in the three years that Jackson had been at the head of affairs above 40,000,000 dollars would have been applied to this object—a most just cause for gratulation.



Few recommendations were offered to Congress, but amongst them we find renewed those for "a modification of the tariff," "justice to the interests of the merchant" being observed, as well as to those of "the manufacturer;"—"a more liberal policy towards unfortunate debtors to the government;"—the amendment of the constitution in the article regulating the mode of electing the President and Vice-President;—and the extinction of the Bank of the United States. New ones were presented respecting the complications of the system of keeping the public accounts, the re-organisation of the district of Columbia, and correction of anomalies in the distribution of the Circuit Courts.

When we stated the results of the census, we also showed the effect of the adjustment of the representations to them. This was accomplished during the session now commenced, and the debate by which the ratio of apportionment was determined, was both long and curious. There were two objects to be kept in view: the selection of a number which should leave the smallest amount of unrepresented fractions, and at the same time should not give to any one state, or group of states, undue advantages in the number of representatives. Forty-eight thousand was the ratio suggested by the committee, through James K. Polk, its reporter; and the numbers determined after the former censuses had been thirty thousand for that of 1790, thirty-three thousand for that of 1800, thirty-five thousand for 1810, and forty thousand for 1820. After a host of conflicting propositions by way of amendment, the numbers suggested varying from sixty thousand to forty-four, and several motions having had the hard fate of being carried one day and rescinded the next, forty-seven thousand seven hundred was finally settled; and the Senate commenced its discussion of the subject.

There, Webster taking the lead, the scheme for determining the question was exactly reversed. Instead of fixing the minimum number of inhabitants to return each representative, and leaving the total of the House to follow, the Senate began by fixing the total of the House (which they set at two hundred and fifty-one), and left the ratio of apportionment to follow from that. The House refused to accept the amended bill, and took its stand upon the terms of the constitution, which undoubtedly did most plainly point to their plan, although the amendment of the Senate would not have been opposed to them either in letter or spirit. Such primary legislation by one branch of the legislature, respecting an essential condition of the other branch, was, however, too great a stretch of forms and provisions, and however wise and good the measure in itself might be, as a precedent it was fraught with danger. So the representatives maintained their ground, and, the Senate giving way, the original proposition became law.

In the Senate, the unhappy results of the discussions in the democratic party showed themselves by the resolute and successful opposition to the appointment of Van Buren as ambassador to London. How entirely unlooked for this hostility was, appears from the fact that the ex-Secretary of State had proceeded to England, and had commenced negotiations upon the matters under discussion with the court of St. James's; and that he had to return precipitately, not without chagrin, when the result of the vote in the Senate was declared. When the other nominations made during the recess received the confirmation

of this branch of the legislature, the casting vote of the Vice-President ordered Van Buren's nomination to be laid upon the table; and when, near the end of January, 1832, the appointment was brought formally before the Senate, the confirmation was opposed by the adherents of Calhoun, on the ground that Van Buren had been the means of breaking up the former cabinet, and that the part he had taken in domestic politics was objectionable; and by the other senators who belonged to the opposition, because in his dealings with Great Britain, he had showed much greater eagerness to serve his party than to maintain the honour of the country, and that, as if the United States were a dependent or subordinate of Great Britain, he had endeavoured to persuade the British government, that it was for its advantage that his party should be supreme in America. The strength of the opposition was greater than could have been imagined, for the vote at the end of the debate was even, the question being decided against the administration by the casting vote of Calhoun.

Calhoun's victory was purchased at the cost of a most mortifying and twofold defeat. For Jackson avowed himself the author of the instructions on which the charge of truckling to British interests, and putting party in the place of country, had been founded; and the discomfited envoy was brought forward as the candidate, in the interest of the administration party, for the vice-presidency in opposition to Calhoun. And as the Senate had confirmed the nomination of the politician, to whom when ambassador in England Van Buren had addressed the instructions complained of—for he was no other than M'Lane, the new Secretary of the Treasury—and by whom they had actually been executed, it was manifest to the nation that these reasons were but pretexts, which could not hide the personal motives that had determined the recall of the former Secretary of State. Yet this plain want of principle in the policy of the opposition did not, in the end, so greatly contribute to its failure as their want of harmony, by which their numerical preponderancy was rendered futile.

Reform having been attempted by the administration in the very remarkable way we have seen, the inquiry arose, and soon took a practical shape, whether this method of reform did not itself need reforming, and whether it did not involve evils of a more serious nature than those which it proposed to rid the country of. But Jackson had the strength of the House on his side; and the only question entertained was a complaint against a collector of duties on imports, who dismissed a deputy inspector from office, because he objected to being mulcted a quarter of his fees, for the purpose, as was understood, of defraying the electioneering expenses of the administration party. The opposition found opportunities, during this debate, to level all their heavy ordnance at the President and his followers, and to accuse the reform party of every species of chicanery and corruption in the creation, bestowal, and employment of the public offices; but the offender, whose name was before the House, was referred to the Secretary of the Treasury, who would (no doubt) administer due correction to one who did his work "not wisely, but too well."

The chief interest of this debate, however, arises from a double breach of the peace occasioned by an illustration employed by one of the speakers. Stanberry of Ohio, who felt keenly on the general subject of the political



partisanship of the administration, opposed the remission of the delinquent collector to the head of the department, on the ground that the government would not punish such criminals. "Was the late Secretary of War removed in consequence of his attempt fraudulently to give to Governor Houston [Samuel Houston, now ex-governor of Tennessee, whom we shall meet with again, in more desirable company] the contract for Indian rations?" There being no answer which a patriot could have desired forthcoming, Houston, being at Washington, thought right to call Stanberry to account for this introduction of his name; and, when the Speaker disputed his right to do so, to beat him so severely with a bludgeon, that the worthy representative could not resume his seat in the House for several days. In spite of the resistance of some members, the Tennessean was brought before the House in the custody of the serjeant-at-arms. He admitted the assault, but pleaded excitement of feeling, and it was with some difficulty that a motion for a public reprimand by the Speaker passed; Henry Clay himself looking to the President's chair instead of the respect due to the legislature, and the infinite moment of maintaining freedom of speech there, suffered his ambition so far to override his reverence for law, that he moved that Houston should be dismissed without so much as a word in rebuke.

Another member, Arnold of Tennessee, on the like pretence, was attacked with a bludgeon and pistol by a ruffian named Heard, who called himself a friend of Houston, but having a nervous arm he felled his assailant, and would have chastised him most summarily, had he not been hindered. There was also a challenge sent to another member. The civil courts, having the matter brought before them, fined Houston five thousand dollars, but Heard was declared insane.

Having been attacked in the President's three Messages opening Congress, the Bank now thought it would be both prudent and right to memorialise Congress for the renewal of its charter; and the great Bank Controversy began. In spite of the objections of the friends of the President, who regarded the movement of the Bank as "too early," though it was not made until the President had, at the commencement of these sessions, moved Congress to attend to the subject; the memorial was presented in the Senate by Dallas, and in the House by M'Duffie. In the former body, a select committee, to whom the matter was referred, reported the adviseableness of renewing the charter for fifteen years, on condition of a few modifications in the fundamental laws, by which every objection to the Bank, which had even a show of reason, would have been obviated. And a bill was brought in, conformable with the report, but in order to secure the harmonious action of the legislature, it was not pushed through, because the committee of inquiry appointed by the House had not yet reported.

Amongst the representatives, the first skirmish was on the question whether the memorial should be referred to a select committee, or to the standing committee of ways and means; and the friends of the Bank carried the latter proposition. This committee reported in favour of the renewal of the charter, but the minority presented a counter-report, and the battle was soon joined along the whole line. The first movement was on the part of the opponents

of the Bank, who, under the conduct of Clayton of Georgia, demanded a committee of inquiry into its affairs, alleging that there were abuses in the management that would demonstrate the necessity of not renewing the charter; and he enumerated (from a slip of paper in Benton's handwriting) seven, beside fifteen others "not amounting to forfeiture," yet deserving exposure, and showing the inexpediency of acceding to the memorial. To this formidable list of charges M'Duffie replied; and after some days' discussion, and several conflicting amendments, the committee was appointed, but was directed, by a motion of John Quincy Adams, merely to inquire and report whether the provisions of the existing Bank charter had or had not been violated.

Notwithstanding this restriction, however, the majority of the committee being hostile to the Bank, the whole affairs of the establishment were examined, and a report was presented recommending the postponement of the consideration of the renewal of the charter, till the public debt was paid, and the revenue adjusted to the expenditure of the government. The minority also reported (John Quincy Adams sending in a report in his own name alone) in vindication of the management of the Bank, and recommending the renewal of the charter.

The conflict was now removed to the Senate, where, in committee of the whole, various amendments to the bill before them were proposed by the friends and by the opponents of the Bank. But after a hot debate of three weeks, the bill, without many alterations, passed, by a majority of twenty-eight against twenty. But we must allow Senator Benton, who did not succeed in getting a single one of his four proposed amendments accepted, we must allow him, as one of the most uncompromising adversaries of the Bank, to speak.

He tells us that as soon as Jackson delivered his first Message, and pronounced against the Bank, there began "a ceaseless and pervading activity in behalf of the Bank in all parts of the Union, and in all forms," "all conducted in a way to operate most strongly upon the public mind, and to conclude the question in the forum of the people, before it could be brought forward in the national legislature." This seems to astonish the Missourian senator, or rather to grieve him, because "at the same time but little was done, or could be done, on either side." He does not understand the propriety of a trading corporation attempting to prevent itself from being overthrown, when the attack comes from his party, and is based upon grounds wholly removed from those of public and commercial convenience. Neither does he rejoice, as he ought "on the *demos krates* principle," to see the managers and supporters of the Bank refer the question raised by his party to the real sovereign—the nation. "The forum of the people," on that same favourite "*demos krates* principle" of his, ought to be regarded as the ultimate judicial tribunal of the country.

If Benton's story of the "ceaseless and pervading activity" of the Bank be correct, instead of blaming the Bank he ought to have blamed the faulty generalship of the President, who disclosed his designs to the enemy, and put him on the alert, when "but little could be done" to follow up the declaration of war with active hostilities. Perhaps he saw this, but refrained from criticising the strategy of his chief; for he tells us how he attempted to repair the error which had put the administration into such a position in front of such a foe. "In the



session of 1830-31, I succeeded in creating the first opportunity of delivering a speech against it; it was done a little irregularly, &c. My mind was fixed upon the character of the speech which I should make,—one which should avoid the beaten tracks of objection, avoid all settled points, avoid the problem of unconstitutionality, and take up the institution in a practical sense, *as having too much power over the people and the government*—over business and politics, and too much disposed to exercise that power to the prejudice of the freedom and equality which should prevail in a republic, to be allowed to exist in our country. But I knew it was not sufficient to pull down; we must build up also." So, to give weight and support to his views, he insisted that "gold and silver was the best currency for a republic;" and proposed "a hard money party, against a paper party." Strangest phenomenon of all—"I quoted copiously from *British* speakers," says Benton; which may account for his failing to provoke any debate in the Senate, although he was gratified by a small and barren vote in favour of his statements.

Benton makes much account of this Bank question; he says it was the key of Jackson's position, "the salient point" of Jackson's first Message, which was "going back to the constitution," and "re-established the landmarks of party, as parties were when founded on principle." But notwithstanding all that he says on the interminable subject of a metallic *versus* a paper currency, and "the latitudinarian construction" of the constitution which "authorised" the Bank charter, the real objection to it on his part and that of his party ever and anon peeps out:—"Experience had shown such an institution to be a *political machine, adverse to free government*, mingling in the elections and legislation of the country, corrupting the press, and exerting its influence in the only way known to moneyed power—by corruption." If the *facts* of Jackson's "reform" have not been misrepresented by his own party, the only real objection which he could have to this, was its being done by the Bank. But, in truth, this morbid horror of a commercial corporation, which could not be made a tool for personal and party purposes, having force, aims, and means of its own, lowers our estimate of the statesmanship of the Jackson party; in spite of all that, in their political creed, differences them favourably from the schools of Clay and Calhoun.

Here we may observe that for many of the objections urged against the Bank there was a basis of *fact*; although the superstructure of objection was *not true*. Thus, it is unquestionable that the Bank did act politically against the President; menaced as its managers felt themselves and their interests to be by the commercial principles proposed by Jackson during his canvass, they could not do other than by all means at hand, not actually illegal (and had they used such, the "objection," we imagine, would have been urged in another court, and in another fashion), resist his accession to power; and it would have been far from creditable to American liberty, had it been unable to defend itself by legitimate means, when its opponents were not very scrupulous respecting the means they employed to strengthen their position. So, too, the complaint of the large amount of stock held by foreigners was ridiculously inconsistent with the profession of free trade. The charge of violating the charter, founded on the issue of a species of bills of exchange, drawn on the head office, which were taken and circulated in the remote states, almost in the manner of promissory

notes payable on the spot, proceeded upon a total, and seemingly designed, oblivion of the facts, that where no actual fraud is committed, the right and wrong of banking and all commercial business are determined by judgments in the courts in explanation of statute law; and that this issue was not forbidden in the charter, was not contrary to any legal decision, and was not fraudulent, for the bills bore upon the face of them, and in their mode of circulation, palpable marks of distinction from notes. The vicious political economy of the objections does not need at the present day to be pointed out specifically, but that feature in them may be noticed in passing.

And yet Nicholas Biddle, president of the United States' Bank, highly honourable and respectable, was only a man; and, as Ingersoll says,—“He too was ambitious, not avaricious; not insensible to flattery, but not infatuated; fond of mysterious ways, but not a mere intriguer.” “Not a few flattered Mr. Biddle's ambition by assurances that the Bank was his way to political honours,—to the presidency of the United States, which was continually held up to his contemplation. And who is proof against adulation? which misled Biddle and Jackson, as it did Napoleon and Alexander, by republican flattery, more captivating than regal, as it is addressed without impediment or interposition directly and personally to its object.” At the commencement of the session “nothing like personal enmity had occurred between Mr. Biddle and General Jackson,” and the Bank president had been nominated again as one of the government directors by the executive. He was voted president of the Bank by every one of the other government directors, and so he united in his person all the authority and influence of the Bank, and the basis of it was the support of the administration itself. “The Bank's flourishing rental of 3,500,000 dollars a year was put at his irresponsible disposal. Twenty-five directors were melted into one gigantic corporation sole in his person, with the revenue of a principality, and more than the power of a monarch, to distribute as he pleased.”

And it does seem more than probable that the means of the Bank were employed, at least at this crisis, in “making to itself friends of the mammon of unrighteousness,” and that too in Congress;—though what just ground the President and his party had for complaint on this account, after all we have heard and seen, we cannot conceive. What is disclosed hereby concerning the character of the legislators speaks for itself, and that pretty loudly, when heard in connection with those charges of “corruption,” so commonly interchanged amongst the members of Congress, and of the administration likewise, upon all high occasions. “The most conspicuous, and a majority, of the senators attended his drawing-room [at Gadsby's Hotel, in Pennsylvania Avenue, Washington, for Biddle had come to the seat of war in person], partook of his entertainments, as some of them had of his bounties, counselled with him, caucused in his apartments, and did his bidding.” “In the profit and loss account, what were 100,000 dollars a year spent from 3,500,000? A scarcely perceptible sum to lend, or give by discounts, fees, or other largesses, to those who make and interpret laws in legislatures and courts, create and annul public sentiment in print.” The remarkable increase of debts to the Bank during the first three years of Jackson's administration, and a fact mentioned by Ingersoll (in contrast with a statement put forth in a report by the Senate committee on



finance, two years later, "that there were never more than fifty-nine nor less than forty-four debtor members of Congress to the Bank, whose loans, bills, and discounts never exceeded 238,000 dollars"), that "not long before the Bank made an insolvent assignment of its effects, the debts of one senator to it, for drafts, discounts, and other advances, amounting to 111,000 dollars, were compromised for a conveyance of wild lands in the west, of no realisable value; leaving unsettled and outstanding another debt of 28,000 dollars,"—this fact imparts an ugly significance to his hints.

When the bill was sent to the house, M'Duffie proposed an amendment, to the effect that the provision limiting the number of branches in the several states should not interfere with existing branches. Other gentlemen proposed other amendments, and a short but sharp contest ensued, ending in the adoption of M'Duffie's amendment, with which the Senate also concurred, and the rejection of all the others, and the bill finally passed by a majority of a hundred and seven against eighty-five. "All the Pennsylvania members present in both Houses," says Ingersoll, pithily, and with an evident faith in the old pagan Nemesis, "voted for the Bank, except one, who hanged himself afterwards." This was on July the 3rd, for the session had been unusually protracted, but Congress arranged its adjournment so as to leave ten clear days after the bill was put into the hands of the President, lest it should be retained till the next session, as other bills had been.

Jackson, however, needed not the constitutional time for considering the matter. As soon as a Message could be drawn up, the bill was returned:—*Veto!* Substantially the reasons assigned for this refusal to approve the bill were ten; and, arranging them according to their importance, they were—the unconstitutionality of the Bank, the bill being framed without consulting the President, the large proportion of its stock held by foreigners, their stock not being taxed, the greater power of the native stockholders in consequence of the number of foreigners, the exemption of the private business of the Bank from taxation, the increase of the rich and of the artificial distinctions in society, the provision enabling state banks to pay their balances in branch notes, the small bonus to be paid for the monopoly—3,000,000 dollars only, and that payable in fifteen annual instalments—and the strong suspicions of gross abuse in the management of its affairs. And thus it wound up:—

"I have now done my duty to my country. If sustained by my fellow-citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me ample grounds for contentment and peace. In the difficulties which surround us, and the dangers which threaten our institutions, there is cause for neither dismay nor alarm. For relief and deliverance let us firmly rely on that kind Providence which, I am sure, watches with peculiar care over the destinies of our republic, and on the intelligence and wisdom of our countrymen. Through His abundant goodness, and their patriotic devotion, our liberty and union will be preserved."

The national republican opposition in the Senate received this Message as a manifesto, and hastened to respond, by proclaiming the necessity for "a change in the national councils." Webster was the chief speaker on this side. Clay also spoke, declaiming against the power of the veto; and Benton, replying to

him, contrived, according to his own report of the debate, to raise one of those shameful personal altercations in which murderous threats play so prominent a part, and did not succeed in rebutting the charge of having once stated that if Jackson should be chosen President the legislators would need to meet with pistols and dirks in their belts. Only twenty-two voted in favour of the negatived bill, and there were nineteen against it; wherefore, not being supported by two-thirds of the Senate, it was lost. And thus ends the first act of this long and exciting tragi-comedy.

Amongst the other important matters discussed during this session, we find the public lands brought forward by the administration members of the Senate; and the committee on manufactures (which, as Benton observes, "properly could have nothing to do with the sale and disposition of the lands"), of which Clay was chairman, was directed to ascertain if the price could not be reduced with benefit to the revenue, and if these lands could advantageously be transferred to the states in which they lay. To both suggestions the report gave a distinct negative, and affirmed the wisdom of the course heretofore pursued; yet, seeing that the ordinary revenue was sufficient for all the purposes of the government, it proposed to reserve ten per cent. from the proceeds of the sales (in addition to the five per cent. already appropriated to this object), for effecting improvements within the limits of the states in which the sales occurred. And it proposed to distribute the remainder of the proceeds amongst all the states, according to the ratio of representation, to be applied by the state governments to colonisation, education, internal improvement, or the payment of debt incurred by such means. A bill embodying these propositions accompanied the report; and by it their operation was limited to five years, and in the event of a war they were to cease; and, after being referred to the committee on public lands (which presented a counter-report), and much debated, it was accepted by the Senate, but could not be got through the House because of the adjournment.

Internal improvements were once more warmly agitated, and several large appropriations with this object were sanctioned by the President.

The tariff also came under attention, being distinctly recommended by the President, and the progress of the anti-tariff feeling in the South requiring it. The subject was taken up by the two committees of the House on ways and means, and on manufactures; and reports and bills were presented by both. That from the first committee, of which M'Duffie was chairman (although it originated with the Secretary of the Treasury, and so was a government measure), was soon negatived; that of the other, of which John Quincy Adams was chairman and reporter, after some discussion, and a few amendments, was carried by an overwhelming majority—some of the opponents of protection even voting for it. The principle of protection was maintained by this bill, but the duties on many protected articles of domestic manufacture were considerably reduced, and it was received as a concession to the free-trade party, and with the hope (a most delusive one) that it would allay the excitement in South Carolina.

Towards the end of June, 1832, the cholera morbus, or Asiatic cholera, broke out in Albany and the city of New York. From the 20th to the 25th of July, the deaths by cholera exceeded a hundred a day in the latter place; and from that maximum they gradually declined, until the beginning of November,



when it was no longer specified amongst the causes of death in the weekly report; the whole number of deaths attributed to it there, being three thousand four hundred and ninety-seven. But it was in New Orleans that this terrible scourge was felt most severely, sixteen hundred and sixty-eight deaths occurred in that city between the 28th of October and the 11th of November, and on the 1st of November alone one hundred and seventy persons died. This excessive mortality arose from the circumstance of the yellow fever showing itself at the same time, but happily the ravages of these two diseases were speedily checked by the occurrence of cooler weather at an unusually early period. The most deplorable aspect of this pestilential visitation was, that neither the general nor the state governments took any precautionary measures, or offered either counsels or cautions to the people. The unsettled problem of the limits of the two jurisdictions, or an undue reliance upon the ocean-barrier between the two hemispheres, prevented anything from being done till the disease was at the door, and then the citizens themselves did all that was done.

The candidates for the two executive offices were numerous. General Jackson was universally accepted as the presidential candidate of the new democratic party, Van Buren being nominated with him for Vice-President. The national republican convention at Baltimore in the preceding December, after a vain attempt to effect a coalition with the anti-masonic party, had nominated Henry Clay and John Sergeant for President and Vice-President. The anti-masonic party, in their convention three months earlier, selected William Wirt and Amos Ellmaker, as their candidates. There were other candidates also nominated by less considerable numbers. The result will show almost all the secret manœuvring that attended the contest; and it may be given here, although not officially declared till after the commencement of the next session of Congress.

For Andrew Jackson all the votes of Maine, New Hampshire, New York, New Jersey, Pennsylvania, Virginia, North Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Ohio, Indiana, Illinois, and Missouri, with three from Maryland, in all, two hundred and nineteen votes were given; and he was thus elected President. Henry Clay received all the votes of Massachusetts, Rhode Island, Connecticut, Delaware, and Kentucky, with five from Maryland, in all forty-nine votes. The legislative electors of South Carolina bestowed their eleven votes on John Floyd, and Vermont its seven upon William Wirt. The popular votes for Jackson amounted to seven hundred and seven thousand two hundred and seventeen; those for Clay, to three hundred and twenty-eight thousand five hundred and sixty-one; and those for Wirt, to two hundred and fifty-four thousand seven hundred and twenty. And by comparing this list with that immediately preceding, a clear case of necessity for some amendment of the constitution in the mode of electing the executive will be perceived.

Martin Van Buren was elected Vice-President by all the votes which Jackson received, except those of Pennsylvania, in all one hundred and eighty-nine votes; or six hundred and three thousand five hundred and twelve popular votes. John Sergeant received the same votes as Henry Clay, in all forty-nine. The thirty votes of Pennsylvania were bestowed upon William Wilkins; the

eleven of South Carolina on Henry Lee; and the seven of Vermont on Amos Ellmaker.

Congress reassembled on the 4th of December, 1832. It was the second and final session of the twenty-second Congress, and the time of its meeting was one of the most critical the United States had ever known; but the attendance on the day of opening was not so large as might have been anticipated, for only thirty senators appeared out of forty-eight; and out of two hundred and sixteen members of the other House, only one hundred and sixty-five. In the Senate there was a skirmish (for the occasion forbade its assuming the dignity of a combat) on the choice of a President *pro tempore*, and Hugh L. White of Tennessee was elected on the fifth ballot. On the next day, as usual, the President's Message was received and read.

Postponing the consideration of the part devoted to foreign affairs, we find a most encouraging statement of the condition of the national finances. Although the receipts from the sale of public lands had "proved less productive than was anticipated," the revenue from the customs had more than made up the deficiency, for it was estimated at 28,000,000 dollars. Eighteen millions had been applied to the payment of the interest and the discharge of the principal of the public debt, whereof with justifiable pride the Message stated that "the payment of all which was then redeemable was provided for;" and about 16,000,000 had defrayed the other expenses of government. "A considerable falling off in the revenue from customs" was spoken of as likely in the next year, "in consequence of the reduced rates of duty which would then take effect;" yet hopes were held out of the entire extinction of the debt in the year 1833, by the purchase of it, before it was "of right redeemable," at the market price, by the commissioners of the sinking fund.

More important still, the President, with redoubled energy, pressed upon Congress the necessity for revising the tariff; both for the purpose of adapting the revenue to the expenditure, and to limit the protection afforded by the imposts to the counteraction of the protective laws of other nations (meaning Great Britain, first and chiefly), and the securing of "a supply of those articles of manufacture essential to the national independence and safety in time of war." He insisted that perpetual protection, secured by a tariff of high duties imposed for that object specially, had entered into the minds of but few American statesmen. "The most they have anticipated is a temporary and generally incidental protection, which they maintain has the effect to reduce the price, by domestic competition, below that of the foreign article. Experience, however, our best guide on this as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget, in the minds of a large portion of our countrymen, a spirit of discontent and jealousy dangerous to the stability of the Union."

While speaking of the tariff, "nullification" came under the President's notice; and he quietly but resolutely intimated his belief "that the laws themselves [meaning himself as the executive thereof] were fully adequate to the suppression of such attempts as might immediately be made" to realise Jefferson's furthest stretch of the state-right theory, improved as it was by



Calhoun. "Should the exigency arise," he continued, "rendering the execution of the existing laws impracticable from any cause whatever, prompt notice of it will be given to Congress, with the suggestion of such views and measures as may be deemed necessary to meet it."

Against "nullification" Jackson showed himself the same man he had been in "the Seminole war," at New Orleans, against John Quincy Adams and Clay; and against the Bank he was equally uncompromising. He now recommended that "provision should be made to dispose of all stocks then held [by the general government] in corporations, whether created by the general or state governments, and to place the proceeds in the treasury." He also brought against the Bank the definitive charge of effecting "an arrangement with a portion of the holders of the three per cent. stock;" by which, said he—and we must quote his *ipsissima verba*—"a surrender of the certificates of this stock may [this word must be observed] be postponed until October, 1833; and thus the liability of the government, after its ability to discharge the debts, may [this word again] be continued by the failure of the Bank to perform its duties." And then, by one of those remarkable logic-leaps, which men who are not wise take as well as men of rarest wisdom, though not precisely in the same direction, it was recommended that Congress should seriously investigate this question—"whether the public deposits in that institution may be regarded as entirely safe."

"He also recommends," says the "Annual Register," summing up the concluding paragraphs, "a reduction of the price of the public lands, so as to prevent their becoming a source of revenue, and an amendment of the constitution, so as to limit and define the power of the general government over internal improvement. The policy of the government in relation to the Indians was applauded; and an extension of the judiciary system to the new western states was again recommended."

We commence our record of the proceedings of Congress in relation to "the Compromise Tariff." But we shall, in pursuance of the plan we have adopted, by which the affairs of the states severally are exhibited in greater detail than would otherwise be possible, omit the local history of "nullification," except so far as may be requisite to make the tariff bill and debates intelligible.

The House first applied itself to this subject, referring to the committee of ways and means the consideration of the President's suggestion concerning it. In the Senate a resolution was carried, calling upon the Secretary of the Treasury, who had in his annual report urged the reduction of duties to the revenue standard, for a draught of a bill embodying his views, or rather those of the administration. On the 27th of December, the committee of ways and means reported, by G. C. Verplanck, of New York, and a bill proposing a diminution of the duties on all protected articles, but leaving from fifteen to twenty per cent. for protective purposes, and to take effect immediately, with a further reduction to follow, was laid before the House; and this seems to have been, in effect, the reply to the resolution of the Senate.

At the commencement of the new year, 1833, the discussion of this scheme was entered upon, but it had gone on only a week, when the President, on January the 16th, by a Message, communicated information respecting the

ordinance and nullifying laws of South Carolina, and his own proclamation thereupon, accompanied by his views of what Congress should do; and on the 21st of the month, a bill to enforce the collection of the revenue according to the law was reported by the judiciary committee of the Senate; when John C. Calhoun, who had resigned the vice-presidency of the United States on the 28th of December, reappeared as senator for his state, "to ride the whirlwind and direct the storm" he had succeeded in raising. Thus there were two bills of primary importance on the same subject, but looking in precisely opposite directions, under discussion in the two Houses of Congress at the same time,—this Enforcing or Force Bill in the Senate, to compel South Carolina to submit to the tariff of 1828, and the new Tariff Bill in the House of Representatives, to abolish that very tariff which the Enforcing Bill was to uphold. It was a position in which we can with very little difficulty imagine a Federalist administration placed, in consequence of its exceedingly philosophical theories of democratic government, and such an administration would then inevitably be overturned. Jackson, not weak like a political *doctrinaire*, and having on both questions a strong personal feeling against Calhoun on "nullification," and against Clay on protection, like Radetsky at Novara, had thrown himself in between the two divisions of the enemy, and the manœuvre was in itself a victory.

The Enforcing Bill, which had, with great judgment, been drawn in a general form, so as not to wear an invidiously hostile aspect towards the nullifying state, made slow progress in the Senate. But the Tariff Bill in the House seemed like to perish in a perfect flood of amendments and debates. The excitement in the country was indescribable, for the state legislatures were almost all in session, and each felt bound to deliver itself upon the question of the day. As we shall see,—New England called to mind the Hartford Convention, and what was said then; whilst the South was anxious to see the tariff lowered to the revenue scale, anxious to see the supremacy of state-sovereignty demonstrated, yet anxious for the maintenance of the Union; for that section of the confederation has always felt the essential importance of its connection with the other group of states, and has really never meant the dissolution of the Union, when it has most vehemently threatened to destroy it; it has only desired to secure its own predominance therein, and it has generally succeeded.

Calhoun, for the purpose (as he observed) of testing the principles of the "Force" bill, proposed a series of resolutions to the Senate, which were no more than expansions of the old democratic view of the state-sovereignty principle, and yet they involved the whole principle of "nullification." Starting from the definition of the constitution, as a "compact" uniting "the people of the several states," and of the Union, as "a union between the states" which ratified "the constitutional compact," he proceeded to the assertions, that whilst "certain definite powers" were delegated to the general government, "to be executed jointly," each state reserved to itself "the residuary mass of powers to be exercised by its own separate government;" and that in the assumption by the general government of powers not delegated to it, its acts are "unauthorised, void, and of no effect," each state having (and here lay the principle of nullification, and the opponents of the nullifiers held it as firmly as they themselves



did) "an equal right to judge for itself, as well of the infraction as of the mode and measure of redress," all being "sovereign parties, without any common judge." Lastly, he distinctly denied the opposite allegations, that the Union was based on a social compact of the people, "taken collectively as individuals," and "that they have not the right of judging, in the last resort, as to the extent of powers reserved, and, of consequence, of those delegated;" because the tendency of those opinions was to "subvert the sovereignty of the states, to destroy the Federal character of the Union, and to rear on its ruins a consolidated government, without constitutional check or limitation, and which must necessarily terminate in the loss of liberty itself."

On the part of the administration, as it was understood, Senator Grundy offered a series of counter-resolutions, merely asserting that the laying of duties on imports was "expressly granted by the constitution to the general government, and prohibited to the states;" and that "the attempt to annul an Act of Congress" laying such duties, or to obstruct its execution, was "not warranted by the constitution, and dangerous to the political institutions of the country." And these, as Senator Clayton rightly showed, "tacitly yielded the whole doctrine of nullification;" wherefore he submitted an additional resolution, setting forth the real reply to Calhoun's statements. It was to this effect,— "That the people of these United States are, for the purposes enumerated in their constitution, one people and a single nation;" "that while the constitution does provide for the interest and safety of all the states, it does not secure all the rights of independent sovereignty to any;" "that the Supreme Court of the United States is the proper and only tribunal in the last resort for the decision of all cases in law and equity, arising under the constitution, the laws of the United States, and treaties made under their authority;" and it declared that the Senate "would not fail in the faithful discharge of its most solemn duty to support the executive in the just administration of the government, and clothe it with all constitutional power necessary to the faithful execution of the laws and the preservation of the Union."

With the discussion of these conflicting resolutions in the Senate, and of amendments on the Tariff Bill yet more contradictory, the short session was rapidly wearing away, and matters seemed likely to end in a dead-lock. For if the tariff were not modified South Carolina was lost; and if it were, the protectionists of the North were alienated; and yet the administration party in the House could not carry any measure better than "the bill of abominations" of 1828. South Carolina also, notwithstanding the ordinance and the armament, the new oath of allegiance, and every other overt act pointing to disruption, hesitated to *do* as it had so hotly and hastily *said*; and hinted by its attitude that some pacific solution of the difficulty might be found. Jackson, or his advisers, too, hesitated to carry out the menaces of the proclamation, and looked round for a persuasive that should be equally efficacious, though less violent, than force of arms, with the refractory state. Clay trembled for his "American system," and for his chances at the next battle for the presidency. Calhoun was not willing to consider himself finally shut out from that contest. The Enforcing Bill must pass, but what of the new tariff?

On February the 11th, Henry Clay rose and gave notice that he should ask

leave of the Senate to introduce a bill to modify the acts imposing duties on imports. Next day he did ask leave, and after a brisk discussion obtained it. This was the "Compromise Tariff" bill; it provided that at the end of the year then current, all *ad valorem* duties of more than twenty per cent. should be reduced one-tenth, and at the end of each alternate year afterwards, till 1839, an equal reduction; and that at the end of 1841, and half a year after that term, the residue of the excess should be taken off in two equal portions, leaving a maximum of twenty per cent. It also provided for the abolition of credit for duties, and the assessment of the value of imports at the ports of entry, or home valuation, after the 30th of June, 1842. Thus he thought that the protective tariff would be preserved for a sufficient length of time, whilst the country would be tranquillised and good feeling restored.

After a full discussion, in the course of which Calhoun expressed his approbation of the measure, it reached a third reading; and then the introducer stated that a bill of precisely the same character had passed the House, and would most probably be presented at once, for the approval of the Senate. In effect, the administration measure was shelved, Robert P. Letcher of Kentucky moving its re-committal, with instructions to the committee to report Clay's bill in its place; which was done, and the changeling accepted by a majority of a hundred and nineteen against eighty-five. This was on the 26th of February; on the next day it was sent to the Senate, passed that body on the 1st of March, twenty-nine voting for it, and sixteen against; and on the following day (which this year was the last in the session) became law by the approval of the President.

The Enforcing Bill passed the Senate on the 20th of February; thirty-two voting for it, and only one, John Tyler, afterwards President, in opposition to it. On the 28th it passed the House, by a majority of a hundred and fifty against thirty-five, and received the President's approval at the same time as the Tariff Bill.

Generally, nothing more was known or suspected concerning this affair, than that, finding his pet system in danger, and perceiving that it was possible to obtain a nine years' reprieve for it by the aid of Jackson's party and Calhoun's, combined with his own, and at the same time to rid both those leaders from their perplexities, and the country from the imminence of a civil war, Henry Clay, who seems to have assumed the especial function of developing the "compromise" element in the constitution, came to an understanding with Calhoun, on the basis perhaps of their common enmity to the President, and wheedled the Senate into accepting his bill, whilst he carried the House by a *coup d'état*. Daniel Webster, with whom Clay had begun to act, was too sturdy a supporter of the tariff to be consulted, and he expressed his feelings by some tart utterances at the time, and by presenting a string of resolutions to the Senate, on the day after Clay had explained his bill.

"These resolutions," Senator Benton assures us, "brought the sentiments of Mr. Webster, on the tariff and federal revenue, very nearly to the standard recommended by General Jackson in his annual Message; . . . and this approximation of policy with that which had already taken place on the doctrine of nullification and its measures, and his present support of the 'force bill,'



may have occasioned the exclusion of Mr. Webster from all knowledge of this 'compromise.' "

Webster's authorised biography (we thus designate it, because the volume containing it is dedicated by himself to his two nieces) informs us that "the President of the United States felt the importance of Mr. Webster's aid in the great constitutional struggle of the Union. There were men of great ability enlisted in support of his administration, Messrs. Forsyth, Grundy, Dallas, Rives, and others, but no one competent to assume the post of antagonist to the great Southern leader. The general political position of Mr. Webster made it in no degree his duty to sustain the administration in any party measure; but the reverse. But his whole course as a public man, and all his principles, forbade him to act from party motives in a great crisis of the country's fortunes. . . . His aid was personally solicited in the great debate on the 'force bill,' by a member of the cabinet; but it was not granted till the bill had undergone important amendments suggested by him, when it was given cordially, without stint and without condition." "It is not wholly unworthy of remark in this place," says a note appended to this passage, "as illustrating the dependence on Mr. Webster's aid which was felt at the White House; that, on the day of his reply to Mr. Calhoun, the President's carriage was sent to Mr. Webster's lodgings, as was supposed, with a message borne by the President's private secretary. Happening to be still at the door when Mr. Webster was about to go to the Capitol, it conveyed him to the Senate chamber." Posterity will acknowledge its obligation to the biographer of the great orator of Faneuil Hall, for this apparently trivial anecdote.

Closely connected with the compromise tariff, or, according to Calvin Colton, "a *bond fide* part" of it, and "indispensable to make the law fully effective," was Clay's Land Bill, which was re-introduced by him early in December. Discussed at intervals during the three months of the session, but with no accession of light respecting any of its obscure points, it passed the Senate near the end of January by a majority of four. The House took it up only on the 1st of March, but passed it then by ninety-six against forty, with some trifling amendment, which the Senate agreed to by a vote of twenty-three against five, and it was sent to the President. Constitutionally, this practice of sending important measures to the executive on the very last day of a session, particularly when its opinion is known or suspected to be adverse, is wholly indefensible; and they who thought thus to coerce Jackson to approve a measure which he was opposed to, ought to be blamed, instead of him, who simply did what the constitution fully justified, if it did not actually prescribe. So large a majority in the two Houses in favour of this bill showed, that if returned at once with a veto it would have become law in spite of the President's disapproval; but Jackson did not return it till the following session, so it was defeated, as we shall shortly learn.

Having extinguished the hopes entertained by the friends of the Bank for the renewal of their charter, Jackson followed up the blow, by the suggestion contained in his Message respecting the safety of the deposits of public money, which were in the keeping of that institution; and the recommendation to sell the Bank stock in the hands of the government. The committee of ways and

means reported through James K. Polk (afterwards President) the desirableness of the latter step; but the measure was immediately rejected, though by a small majority—a hundred and two against ninety-one. The same committee soon afterwards, by G. C. Verplanck, presented a resolution to the House, to the effect that the public deposits were quite safe whilst in the Bank, and it was adopted by the large majority of a hundred and nine over forty-six.

Resolved upon making a case against the Bank, Jackson had caused an agent of the Treasury to inquire into the actual condition of its affairs; and perhaps it was in consequence of his report, that the recommendation of the Message was so peremptorily refused. He showed that the assets of the establishment much exceeded 79,500,000 dollars, whilst its liabilities scarcely exceeded 37,250,000; so that beside its capital of 35,000,000, it had a surplus of above 7,500,000 dollars. Of the solvency of the concern there could, therefore, be no longer any question, by the showing of the administration itself.

How Jackson had laboured at the payment of the public debt has been told, and all due praise has been bestowed upon him for his zeal in that business. But he now suffered his zeal to run into excess, and, as if ambitious only of having the renown of extinguishing the debts, he determined to pay off the three per cents., although they were redeemable at pleasure, and were just then much below par. The country would therefore have been the loser to the full amount of the difference between the value of that stock in the money-market and its nominal worth, or at par. Nevertheless, notice was given in March, 1832, of this design; and it was only postponed for a quarter of a year, on the representation of the Bank, that as 9,000,000 dollars in duties would fall due before the day Jackson had fixed for the redemption of the stock, it would be better to lend the money to American merchants than pay it to European stock-holders, and on condition that the Bank should pay the interest accruing during the quarter.

Before the adjourned day arrived, the cholera visited the states, and great commercial distress resulted from the suspension of business occasioned by it. The agent of the Bank in Europe therefore made an arrangement with the foreign stock-holders to pay them interest for another year, if they would not present their stock for payment for that time. Innocent and patriotic as this arrangement was, it was nevertheless cancelled; the displeasure of the President being so great, and the newspapers supporting the administration indulging in no measured invective; and both asserting that the reason for proposing it was inability to pay over the deposits. "The stock was actually redeemed in the ordinary course of business at the Treasury." Hence, no doubt, the inquiry above-mentioned, which did not disclose what the administration had so roundly alleged.

"Another cause of crimination" we must relate in the words of the writer of the "Annual Register," who, though a supporter of the Bank, is one who cares for the honour of his country. It "grew out of the bill drawn by the Secretary of the Treasury for the first instalment under the French treaty." Instead of sending to the American minister at Paris an authority to receive the money, or even remitting the bill for collection through the Bank, the government took



the unusual step of selling a bill to the Bank at the current rate of exchange, and appropriated the proceeds to the current uses of the Treasury.

"The bill was not paid, and to save the credit of the Bank its agents took it up. A claim for damages, pursuant to the ordinary custom of merchants, was made for the dishonour of the bill; and the President of the United States was indignant that the Bank should call for damages, when he contended that the public moneys in the Bank were more than sufficient to pay the amount of the bill."

That these incidents should have inflamed Jackson's determination to ruin the Bank at all hazards, we can well believe, but by them he utterly ruined his credit as a financier; and his success in respect of the payment of the debt, shows rather as the result of the growing prosperity of the country, than as the fruit of any skill or grasp of mind in him. Such laxity as he showed in this momentous business transaction is inconceivable in the petty affairs of a respectable branch-bank in the backwoods.

Before we proceed to the sequel of this abortive campaign of General Jackson's United States' Bank-war, in Congress, we must notice two other matters. First, the continuation of the system of appropriations for internal improvements, some being allotted to improvements which had been obstinately contested in the legislature, and even be-vetoed by the executive; although the Lighthouse Bill, which had been "pocketed" by the President at the end of the preceding session, was returned at the beginning of this, disapproved. And second, the passage of "an Act making provision for the publication of the documentary History of the American Revolution." Congress expired at midnight of the 2nd of March, the 3rd being Sunday, after a short session, in which affairs of great moment had occurred. Two vetoes were given to bills at the outset, both of them detained from the first session; one to the Lighthouse Bill mentioned above, the other to the bill allowing interest on the claims of the states, in the reasons for which we are sorry that we cannot discover much force or pertinence.

On the Monday after the close of Congress, General Jackson was a second time inaugurated President of the United States with the customary formalities. His address, which elicited the usual applause, contained nothing which we need to refer to, being little more than a recommendation of union amongst the states, enforced by a display of the dangers that would arise from discord and separation. The President had nothing new to tell respecting his policy, for that had been exhibited as plainly in the four years just ended as deeds could show it; and his experience had suggested to him no political principles, nor (as it seemed) the need of them, for the conduct of public affairs. Jackson was not a man to grow wiser with advancing years. The old saying, that the eye sees nothing which it has not in itself, was remarkably verified in him. Statesmen, whatever Senator Benton may believe to the contrary, will learn little from the history of his administration, as far as he gave it character and colour, except what neither in America nor any other state, constitutional or not, can be done with safety and advantage to the commonwealth.

Matters being now tranquil in every quarter of the Union, the general, by way of demonstrating the mode in which he accepted the dogmas of Jefferson,

determined on a "progress" or tour, such as Washington and Monroe had indulged in, the former to Jefferson's loudly expressed disgust. Well known in the West and the South, and strong in the confidence of the citizens below Mason and Dixon's line, the general desired to establish and confirm his influence in the North, and therefore availed himself of the long interval between his second inauguration and the opening of the next session of Congress for visiting the middle and eastern states. Whatever details may be desired of this tour, will find an appropriate place in a subsequent chapter; here we only observe, that though thus apparently throwing off the weight of official care, the President was by no means forgetful of the Bank—that object of his implacable hostility. Perhaps he was all the more disposed to pursue it, from seeing in every city the evidences of its strength and influence, feeling that it was indeed too formidable a rival to be suffered to live.

At the end of May, Louis M'Lane, having refused to sanction a new scheme which Jackson had devised for effecting the removal of the deposit from the United States' Bank, was himself removed to the department of state vacated by Livingston; and in his room William J. Duane was appointed. His parentage gave promise, so we suppose the President thought, of a more democratic view of the constitutional powers of the executive; but though Jackson plied him with such arguments as he believed most convincing during the northern tour, the son of "Aurora" Duane would not agree to the removal of the deposits by the decree of the President, and only assented, "at length," to the commissioning of Amos Kendall to inquire into the terms upon which the state banks would take the public money, "upon the basis of mutual guarantee."

We owe to Senator Benton an "inside view" (as we may call it) of this step in the affair, which, truly, reflects with no little severity upon Jackson's prudence and statesmanship, for it represents him as commencing the Bank contest without any notion of doing more than destroy the Bank; and upon his honesty, for it disguises his real interest in depositing the public money in the state banks,—to secure them in the interest of the "government."

After stating that up to a particular step in the business, he had never mentioned to the President either his gold currency scheme, or that of "an independent sub-treasury," or "a government treasury unconnected with any bank," he continues, "When these ideas were mentioned to him, he took them at once; but it was not until the Bank of the United States could be disposed of that anything could be done on these two subjects; and on the latter a process had to be gone through in the use of local banks, as depositaries of the public moneys, which required several years to show its issue and inculcate its lesson. Though strong in the confidence of the people, the President was not deemed strong enough to encounter all the banks of all the states at once. Temporising was indispensable,—and even the conciliation of a part of them. Hence the deposit system,—or some years' use of local banks as fiscal agents of the government,—which gave the institutions so selected the invidious appellation of 'pet banks,' meaning that they were government favourites."

Kendall had not an easy task, especially in respect of the condition he was charged to insist on. The mutual guarantees could not be obtained; and it was no wonder, for,—as Macgregor sums up the evidence upon the part of the



Bank question related to this,—“From 1811 to 1830 no less than a hundred and sixty-five state banks, possessing an aggregate capital of about 30,000,000 dollars, either failed or discontinued their business; these failures occurring in nearly every state and territory of the Union. The Treasury had about 1,400,000 dollars deposited within their vaults, the greater part of which it lost; while the loss to individuals was that of many millions,—the bulk of which fell upon widows and orphans, whose property had been entrusted to their banks. These failures arose in some cases from the multiplication of banks in places where they were not required; from injudicious discounts and over-issues; from ignorance of the principles of banking, and the nature and operation of banking institutions; and in some cases, from a desire of gain, at the expense of individuals and the public.” We can hardly imagine these facts to be unknown to the President; and if unknown, what can we think of the measure he contemplated?

Duane, finding Jackson's determination irresistible, consented to move the deposits, if Congress directed him to do so. But this being far less than the President purposed, he convened the cabinet, and on September the 18th, laid before it a statement of his views on the question he had raised.

Little or no impression appears to have been made by this document, and Benton admits that “the major part of them dissented from his design.” Whilst the Secretary of the Treasury was deliberating on the course he should take, Jackson had his statement printed in the *Globe*, followed immediately by an announcement that the deposits were to be removed, and receiving from Duane (whose correspondence we must notice subsequently), on the 21st, a refusal to carry out his plans (for what the President had resolved upon, only the Secretary of the Treasury could do), unaccompanied by any offer to resign the post, he removed him, and on the 23rd appointed Roger B. Taney, then Attorney-general, in his room.

This remarkable state-paper claimed for the head of the Treasury department absolute power over the deposits, and it may be admitted that in this it was correct. It insisted that the expiration of the Bank charter being near, the Secretary of the Treasury was bound to devise some scheme for the management of the revenue at once, in order to avoid the shock which postponing it until the last moment would occasion. It recited various offences of misdoings on the part of the Bank, such as that affair of the three per cents., in which really the Bank had only interfered with a private whim of the President, and had endeavoured to alleviate the trouble occasioned by the cholera visitation; the affair of the bill on the French government, wherein truly the government itself was to blame; and its meddling with politics, a charge which, when closely examined, amounts to this—that after the President had pronounced against it, again and again, in a manner that showed him resolved upon its overthrow, the Bank had undertaken such steps as seemed, to the acute business-men who managed it, the best calculated to prevent its dissolution.

And thus it concluded:—“The President again repeats that he begs his cabinet to consider the proposed measure as his own, in support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed, after the most mature deliberation and reflection, as necessary to preserve the morals of the people, the freedom of the press,

and the purity of the elective franchise; without which all will unite in saying, that the blood and treasure expended by our forefathers, in the establishment of our happy system of government, will have been vain and fruitless. Under these convictions, he feels that a measure so important to the American people cannot be commenced too soon; and he therefore names the first day of October next, as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the state banks can be made."

It would not be worth while to mention Benton's "emotion of the moral sublime," which he felt "at beholding such an instance of civic heroism," did it not show the extent to which partisanship had incapacitated Jackson's followers for the perception of the simplest facts, which stood in any relation to their party doings, as they actually were. "I repaired to Washington," adds our moral sublime senator, "at the approach of the session, with a full determination to stand by the President, which I believed to be standing by the country; and to do my part in justifying his conduct, and in exposing and resisting the powerful combination, which it was certain would be formed against him."

Beside the report of Amos Kendall, the President had made great use of information imparted to him by four of the five directors nominated by the government. The fifth, it will be remembered, was Nicholas Biddle, the Bank president. These men, as soon as ever the directors generally perceived the part they were playing, were excluded from the exercise of some functions (as, for example, seats in certain committees) in which they might have impeded the operations and damaged the credit of the Bank. And such arrangements were made as appeared best, under the circumstances, to enable the institution to weather the storm. But now that the President had so unmistakably declared his intention, and had, by printing his statement to the cabinet in the newspapers, appealed to his party against his own ministers, and made the removal of the deposits his own act, there could be no doubt as to what it became the Bank to do. Especially as the sudden presentation of a large amount of notes, by the agents of the government, at one of the remote branches, where it was highly improbable that they could be cashed, showed that no scruples would deter the President and his party from attempting anything that might harass it, and make it stop payment.

One step was, perhaps, not so wise. A meeting of the direction was called, and a committee appointed to consider and report upon the President's manifesto, and in the report (which was addressed as "a Memorial to Congress") they spoke of the "paper," and described it as "signed by 'Andrew Jackson,'" calling him also "the individual who signed it;" which displayed a species of feminine irritation unworthy of a board of business-men. For the rest, nothing could be so prudent, nothing was more indispensable, than the immediate contraction of loans and issues, throughout the whole of the numerous and widely-spread branches of the establishment. Of which we shall speak presently.

We must, however, quote Benton's correction of the common notion of what Jackson had actually done. "The act which had been done," he says, "was not a '*removal*,' in the [proper] sense of that word, for not a dollar was



taken from the Bank of the United States to be deposited elsewhere ; and the order given was not for a 'removal,' but for a *cessation* of deposits in that institution, leaving the public moneys which were in it to be drawn out in the regular course of expenditure."

Now, we do not dispute the right of the administration to order and effect this change (for we cannot attribute much value to the argument which was directed to prove the Secretary of the Treasury an agent, not of the executive, but of the legislative branch of the government) ; it was absolutely needful for the security of the public money, that the executive should have the power to do this, in case of need. We object to the purpose with which it was done, and to the manner. It was plain that the deposits were safe enough in the Bank (for not only had the President's agent reported so, a commission from Congress had done the same), and it was equally plain that they could not be regarded as safe in the state banks ; whilst there was sufficient time before the charter expired to provide a new depository, which should be at least as secure as the old one, even if that should not have been provided first of all. It was equally plain that this "removal" would cripple the credit of the Bank, and destroy the confidence of the people in it, by which alone it had been sustained ; and taking all the other movements of the President into the account, there can be no doubt that this, and this only, was the object he had in view. Considering the length of time that Jackson had occupied in attacking it, and the unscrupulous manner in which he had done so, we cannot but think that the Bank must have been well managed, and strong in the confidence of the commercial classes throughout the country, to stand so long. So that the charges brought against it are generally refuted by observing dates, and by the fact that the Bank did not fall till the President had resorted to his last weapon against it.

As for the way—the very design of the *entourage* of advisers which had been provided for the executive, was to prevent the operation of wilfulness like this, which can never be other than injurious to a state ; and the dismissal of two Secretaries of the Treasury, with the assumption of the responsibility of the measure to himself, being requisite to accomplish this removal of the deposits, might have made the genuine character of the transaction palpable to one less shrewd than Jackson ; precisely as the fact, that the charter was refused to the Bank only by his opposing his veto to the decision of Congress, ought to have shown him, and his immediate adherents also, that he was acting in flat contradiction to the spirit of the constitution therein, which never could mean that a mere numerical majority (such as had placed him a second time in the presidency) should determine a question mainly affecting particular classes of the community, and requiring special opportunities to be correctly understood.

But it had now, in fact, become painfully apparent, even to those who supported him, and who were with him on this very Bank question—as we can see in the chapter of Ingersoll's "History of the Second War" which treats of it, and from which we have already made quotations, that Congress had fallen into as much suspicion with the President as the judiciary itself. Indeed, "the cabinet improper," as Webster designated those unrecognised counsellors

(otherwise known as "the kitchen cabinet") this body alone seemed to possess any effective control over him, or to be any check to his arbitrary tendencies. The universal dismay felt by those who were the very pith of the manhood of the United States—the unambitious, high-minded few, whose voices are heard in no caucus or mass-meeting, who are elected neither to the state nor the general governments, the true "salt of society" in America—their terror and anguish at seeing such evident signs of a determination to override all forms, constitutional and customary alike, which impeded the accomplishment of his will, usurp the functions of the legislature, and to substitute for its "be it enacted," the *sic volo, sic jubeo*, of the dictator, to put the country at large under martial law, and to offer as explanation and justification, the bald avowal that he "assumed the responsibility;" this requires no other words to describe it, than such an expression as Sullivan's in his "Familiar Letters," written only a month or two after the date we have now reached—"the reign of Andrew Jackson began on the 4th of March, 1829, and still continues." And it was this which imparted to this "decree" removing the deposits of public money from the United States' Bank its gravest aspect—gravest, even though the distress which followed that removal be considered.

The consequences of these proceedings of the President might all have been foretold. Commercial credit is proverbially most sensitive. The extraordinary measures adopted by the Bank, of which mention has been made above (questionable though the propriety of them was), had no doubt staved off the effects of the reiterated recommendations in the annual Messages to refuse the renewal of its charter. And the decided majority in Congress who were in favour of it, counteracted the effect of the President's veto. Moreover, there was ample time to rescind that veto, and the change of view which Jackson had taken respecting internal improvements, encouraged the hope that, carried by a still more imposing majority, the charter might yet be obtained. This removal of the deposits at so short a notice, in so peremptory a manner, at once cut off all such hopes, and nothing remained to the directors but immediate retrenchment, which their lavish expenditure during the earlier part of the contest rendered so much the more requisite. Had they not done so, a crash must have happened at once; for the dealings of the Bank had been so extensive as to bring it into relation with all the great financiers and capitalists of Europe, and transactions in the money markets of Paris, Vienna, or London, might have overthrown it without warning.

Great commercial distress immediately ensued. At the moment of taking this step, the business of the country was unusually active. The capitalist, and the merchants and mechanics, had unlimited confidence in each other, and all the moneyed institutions of the country had extended their loans to the utmost bounds of their ability. At such a juncture, great and rigid retrenchment, attended with want of confidence, was necessarily productive of ominous consequences, private credit was deeply affected, the business of the country was interrupted, and in short a complete and terrible panic ensued, which seemed to be at its height when Congress met, but which was destined to last, with many fluctuations in its symptoms and violence, for ten years.

From this time the Bank controversy changed its character considerably;



and instead of being a trial of strength between the president of the company and the President of the United States, assumed always more and more of a politico-economical aspect, until at last it became wholly a question of the currency; and it filled men with astonishment to see the people of America, usually so intolerant of over-legislation, submitting to such an excess of it on this matter as only could be paralleled in the autocratic states of Europe, and yet deriving no benefit at all from all these enactments. This, however, will appear as we proceed with our story.

The new Congress assembled on the 2nd of December for its first session, commonly called "the Panic session." Andrew Stevenson was re-elected Speaker in the House of Representatives, by a majority of a hundred and forty-two against sixty-six (the total number of votes given to all opposing candidates), and nine blanks, which showed the great increase of the adherents of the President in that branch of the legislature. In the Senate, owing to the "compromise," Jackson's party was in a minority. On the second day, as was usual, the Message was sent, and read in both Houses.

In it, next after the review of the foreign relations of the government,—amongst which we find the story of the dishonoured bill upon the French government,—comes the financial statement, to the effect that the revenue for the year was expected to exceed 32,000,000 dollars, the customs alone amounting to 28,000,000, and that the entire expenditure would fall short of 25,000,000 dollars; so that a large balance would be found in the Treasury, "after satisfying all the appropriations chargeable on the revenue for the year." The approaching extinction of the public debt was spoken of with great gratification. The Representatives were warned against indulging "in a lavish expenditure of the public treasure" for this reason, amongst others, that "upon the best estimates which could be made, the receipts of the next year, with the aid of the unappropriated amount then in the Treasury, would not be more than sufficient to meet the expenses of the year, and pay the small remnant of the national debt which remained unsatisfied," because of the falling off in the revenue, consequent upon the reduction of the duties by "the Compromise Act." Yet, unless that tariff should be "found to produce more than the necessities of the government called for," the President saw no reason to justify a change.

Next followed the Bank, and the removal of the deposits, which in the last Message the President had suggested, on the ground that they were not safe in its keeping. Now that he had himself directed their removal, though Congress had reported the step unnecessary, because they were in no danger there, he justified his act by alleging the interference of the Bank in the elections, accusing it of using its "money and power," "to influence the judgment and control the decisions" of the people of the United States. "It must now be determined," says he,—as if this commercial establishment, simply by virtue of its extent and the nature of its operations, was an organised opposition to his administration, instead of being one struggling for life against his fierce and reckless assaults,—“it must now be determined, whether the Bank is to have its candidates for all offices in the country, from the highest to the lowest [it had not been so much as charged with having "candidates" for any offices;—but it of course took care to keep supplied the offices its own business

created; and this was what Jackson would have preferred to do himself), or whether candidates on both sides of political questions shall be brought forward as heretofore, and supported by the usual means."

It was impossible to avoid mention of the panic, equally impossible to attribute it to its real source, the insecurity occasioned by the last attack upon the credit of the Bank. The strategy of the directors supplied the means of turning the general distress into an auxiliary against that institution, and to employ the universally known proof of its solvency (which had been so emphatically questioned in the previous Message) as an aggravation of the new accusation of misconduct. "By a curtailment of its accommodations, more rapid than any emergency requires [how triumphantly would the democratic party have pointed out such government dictation in the affairs of a commercial company in the old country, had such been possible, as a clear proof of political bondage and over-legislation! Surely, the Bank might have been left to regulate its own affairs; especially since, by the removals of the deposits, it had ceased to be the servant of the government], and even while it retains specie to an almost unprecedented amount in its vaults [and therefore could not be suspected of insolvency], it is attempting to produce great embarrassment in one portion of the community; while through presses, known to have been sustained by its money, it attempts by unfounded alarms to create a panic in all."

"These are the means by which it seems to expect that it can force a restoration of the deposits, and as a necessary consequence, extort from Congress a renewal of its charter. I am happy to know that, through the good sense of our people, the effort to get up a panic has hitherto failed [but, unfortunately, the President was too intent on the destruction of the object of his antipathy to desist from a course which would have produced a panic, had the United States' Bank possessed fabulous resources, financial and monetary, for relieving the pressure on the mercantile classes]; and that, through the increased accommodations which the state banks have been able to afford, no public distress has followed the exertions of the Bank [is not this a complete exoneration of the Bank from the charges we shall subsequently find urged against it with more than sufficient vehemence?]; and it cannot be doubted that the exercise of its power, and the expenditure of its effects to spread groundless alarm, will be met and rebuked as they deserve. In my own sphere of duty, I should feel myself called on, by the facts disclosed, to order a *scire facias* against the Bank, with a view to put an end to chartered rights it has so palpably violated; were it not that the charter itself will expire as soon as a decision would probably be obtained from the court of last resort." Which, supposing it could have been brought to a decision earlier, would unquestionably have been the most original remedy for the proceedings complained of that the commercial world ever heard of. The Bank begins to wind up its affairs perceiving its last hour come; thence arise alarm and distress, to appease and alleviate which, says the general, I would, "an if I could," bring the whole affair to an end at once.

And then, with a species of apology for not attending to the response of Congress to his first recommendation about the deposits, on the ground that he had removed them from another cause now, the President passed on to the War Department and the Indians, and to the Post Office, whereabouts some "illusory



statements," he said, had been made respecting its cost from its very commencement, so he had withdrawn "some of the improvements he had made," with a view "to bring the expenses of the department within its own resources." Though why this had not been detected at the commencement of the first presidency we do not perceive, nor are we informed. The prevention of steam-boat accidents, and the amendment of the constitution in its provisions for the election of the executive officers, were finally commended to the legislature, and the document concluded.

The principal business of the session was, necessarily, the removal of the deposits; and the opposition derived no little strength from the energy with which they pressed their attacks upon the administration on account of it. The power of the administration as a party, however, grew all the greater by means of these very attacks, the deed done remaining irreversible, and the proceedings of the Bank, and the universal distress, afforded to the partisans of the President a full and satisfactory justification of it. And hence it has arisen, that not only has the organised opposition, after some slight advantages to be noticed hereafter, almost ceased to be a party; but the democratic party, as constituted under Jackson's leadership, has gradually subjugated almost the entire Union; and this Bank controversy, which was but one thing out of many for which their great chieftain contended, has come to be the one thing which distinguished, not Jackson's term of power alone, but the entire history of the United States since the second war.

No time was lost in the Senate in calling for the promised report of the new Secretary of the Treasury, which, when presented, communicated but little that was new. It was only incidentally, of course, that the President's assumption of the responsibility respecting the removal of the deposits could be introduced, the Secretary being compelled to observe the technicalities of a report from the head of a Department, and to vindicate the right to order such a change in the management of the public money as he had made under the orders of the President. The defence of his principle he grounded on his re-election after his hostility to the Bank had been pronounced beyond the possibility of mistake, and the Bank had opposed it (as was alleged) to the full extent of its power. Against the Bank it was urged that it had forced a circulation of the notes of its remote branches; that it had enlarged its discount after Jackson's re-election as President; that it had managed some parts of its business by a committee, to which it had not allowed any one of the government directors to belong, and in other ways also had violated its charter, that state banks of "high character and undoubted strength" had been selected, each of which would "give security whenever the amount of the deposit should exceed the half of the amount of the capital actually paid in," or before, if the department should think it advisable; and all of them "honour each other's notes and drafts," thus providing a "general currency," which the Secretary regarded as "at least as sound as that of the Bank of the United States;" or rather, since "there had not been yet sufficient time to perfect these arrangements," enough had been done to show that, even on the score of expediency, a Bank of the United States was not necessary, either for the fiscal operations of the government, or the public convenience [the panic then possessing the whole mercantile community,

notwithstanding!]; and that every object which the charter to the then existing Bank was designed to attain, might be as effectually accomplished by the state banks."

In conclusion, the Secretary hinted at "the great power of the Bank of the United States," and asked various questions all tending to show that "the snake was scotched, not killed," and that if mischief did come, it could not be attributed to the government, but to this commercial institution—which, for all its "vast power," the will of Jackson alone was strong enough to overturn.

Benton's comment on this document states that, "Upon the local banks the Federal government was thrown [having destroyed the national Bank, and forgotten to provide an adequate substitute]—first, for the safe keeping of its public moneys; secondly, to supply the place of the nineteen millions of bank-notes which the national had in circulation; thirdly, to relieve the community from the pressure which the Bank of the United States had already commenced upon it, and which, it was known, was to be pushed to the ultimate point of oppression. But a difficulty was experienced in obtaining these local banks, which would be incredible without understanding the cause. Instead of a competition among them to obtain the deposits, there was holding off, and an absolute refusal on the part of many. Local banks were shy of receiving them,—shy of receiving the greatest possible apparent benefit to themselves,—shy of receiving the aliment on which they lived and grew! And why this so great apparent contradiction? It was the fear of the Bank of the United States! and of that capacity to destroy them to which Mr. Biddle had testified," &c. &c.

This serious repetition of Major Downing's irony is immeasurably more ludicrous than the Major's own satire. But if the fact were so, then the arguments of the opponents of the government's proceedings were established; and we can only account for Jackson's "civic heroism," which raised such "an emotion of the moral sublime" in Benton's breast, by the old principle—"*Cantabit vacuus*," &c. If heroes are to be measured by the kind of giants and dragons which, in the course of their "labours" and "adventures," they quell and slay, the quality and quantity alike of the heroism of the government in this affair become excessively difficult of estimation. This report was not regarded by the Senate as sufficient to enable it to discuss the subject properly, and on the 11th of December, it respectfully called on the President to communicate the paper read to the cabinet on the 18th of September, and published in the newspapers immediately afterwards. But Jackson declined compliance with the request; leaving the Senate to interpret his refusal as it pleased, and Clay's friends to denounce the whole proceeding as a "usurpation" consciously made on the functions and prerogatives of Congress. The opposition could not therefore deal with that "assumption of the responsibility" by the President, as it had intended.

Henry Clay naturally took the lead in the assault upon the administration, and after suggesting a course which Benton objected to, as involving an invasion of the duties of the House of Representatives, on the 26th of December he submitted two resolutions to the Senate. The first of these asserted that in dismissing M'Lane and Duane because they would not remove the deposits, and appointing Taney for the sole purpose of removing them, "the President



had assumed the exercise of a power over the Treasury of the United States not granted to him by the constitution and laws, and dangerous to the liberties of the people;" and the second, that the reasons alleged for the removal were "unsatisfactory and insufficient."

Clay's speech in moving his resolutions may, in part, account for the completeness of Jackson's triumph in this Bank controversy; and will tell those who could not otherwise comprehend it, why the democratic party has always rated its victory over the Bank so highly. It occupied the greater part of three sittings in its delivery; and bears marks of careful preparation in every part. Bursting at once into the midst of his subject, he commenced,—“We are in the midst of a revolution, hitherto bloodless, but rapidly tending towards a total change of the pure republican character of the government, and to the concentration of all power in the hands of one man.” And the whole was in harmony with this abrupt exordium. Directly and indirectly, it accused Andrew Jackson of aiming to transform the government into “an elective monarchy—the worst of all forms of government.” And, as Benton most justly said, it ought to have been spoken in support of an impeachment, not of resolutions stale and foisonless, like those we have described above; and if it had served to introduce an impeachment, then the House of Representatives, and not the Senate, was the place for it, and the orator was invading the functions of the other branch of the legislature, as palpably as the President had invaded the functions of both. We, however, have a weightier charge to bring against this great speech; it is altogether hollow and insincere. No man earnestly alarmed concerning his country, convinced that the constitution was really in peril, could have uttered mere big-sounding words, and abstained from the remotest approach to action corresponding therewith. It smacks of the hustings and the elections. The only parts which deserve special notice here, are some plain remarks, near the close, upon the actual nature of the proceeding of the President in removing the deposits, aside from the political, constitutional, and overdrawn aspects of it he had offered to the Senate.

“If we examine the operations of this modern Turgot, in their financial bearing merely, we shall find still less for approbation.

“1. He withdraws the public moneys, where, by his own deliberate admission, they were perfectly safe, with a bank of thirty-five millions of capital, and ten millions of specie; and places them at great hazard with banks of comparatively small capital, and but little specie, of which the Metropolis Bank is an example.

“2. He withdraws them from a bank created by, and over which the Federal government had ample control; and puts them in other banks, created by different governments, and over which it has no control.

“3. He withdraws them from a bank in which the American people, as a stockholder, were drawing their fair proportion of interest accruing on loans, of which these deposits formed the basis; and puts them where the people of the United States draw no interest.

“4. From a bank which has paid a bonus of a million and a half, which the people of the United States may be now liable to refund; and puts them in banks which have paid to the American people no bonus.

“5. Depreciates the value of stock in a bank where the general government

holds seven millions ; and advances that of banks in whose stock it does not hold a dollar, and whose aggregate capital does not, probably, much exceed that very seven millions.

"And finally, he dismisses a bank whose paper circulates, in the greatest credit, throughout the Union and in foreign countries ; and engages in the public service banks whose paper has but a limited and local circulation in their 'immediate vicinities.'

"These are immediate and inevitable results. How much that large and long-standing item of unavailable funds, annually reported to Congress, will be swelled and extended, remains to be developed by time."

All this is tangible, and has the ring of true metal, whatever our judgment of the correctness of his opinions be ; but when the speaker winds up with stilted periods about "approaching tyranny," "spies and informers," "detraction and denunciation," "cautious whispers of trembling slaves," "premonitory symptoms of despotism," and such like, we feel that it is pretence, and that he himself does not believe it. The American people showed their sense of it, by not believing it nor him who uttered it.

One document referred to by Clay in evidence of some parts of his charges would perhaps have received greater attention had it not been so employed ; and it assuredly demands notice here. It is the address to the people of the United States, published by the ejected Secretary of the Treasury, W. J. Duane, the day before Congress met ; accompanied by copies of the correspondence which had passed between him and the President. "I was thrust from office," he said, "not because I had neglected any duty, not because I had differed with the President on any other point of public policy,—not because I had differed with him about the Bank of the United States,—but because I refused, without further inquiry or action by Congress, to remove the deposits." The letters are one in which the Secretary, first fortifying his position with five official documents and quotations from the President's own communications to him, gives fifteen valid reasons for "respectfully refusing" to remove the deposits as Jackson directed him ; one in which Jackson returns this, "as a communication which he could not receive ;" three letters from the ex-Secretary to the President, endeavouring to turn the iron resolution he dared not obey ; and one, finally, from the President, removing the too conscientious and "limited patriot" from his office. And the sum of the whole, as to the spirit and meaning of the disappointed and dismissed writer, is contained in some excerpts from a private letter of his, which found its way into the public papers about a month after he had been dispensed with by his political chief. We quote them in part, as evidences of the effect of Jackson's proceedings on one section of his adherents.

"It is but too obvious, either that we misunderstood the qualities of General Jackson's head, or else he has been wonderfully altered. On all the cardinal questions agitated, he has failed to be consistent. He promised purity in selections for office ; yet few have been purely made. He professed to be a friend to domestic industry ; yet he has done more than anybody else to prostrate it. He advocated a national government bank ; and yet affects to dread a moneyed aristocracy. He complained of the corruptions of one bank ; and takes forty or fifty irresponsible paper-circulating banks under the national



wing. He has been for, and against, internal improvement. He denounced nullification; yet has of late been unsaying all that he said in his proclamation. In short, I do not believe he ever had fixed principles, or ever arrived at any result by the exercise of the mind. Impulses and passions have ruled. . . . I had not been twenty-four hours in office, when I felt my vessel on the breakers; I found that the President was in the hands of men whom I would not trust, personally or politically. . . . I undertook to tell the President the truth, in the language of a freeman, rather than a courtier,—the end of all which was my removal from office, under aggravating circumstances. . . . At Washington my unwillingness to pull as a well-trained mule would, was a matter of surprise. Moral courage at Washington is as scarce as liberality at Warsaw.”

Whilst the oratorical contest was proceeding, the people in all the great cities and towns throughout the Union, and in many of less note, held meetings, and despatched petitions to Congress, and committees to wait in person on the President, for the purpose of representing their distress and begging him to recommend some measure of relief. As the session advanced, this popular action on the executive and the legislature grew in intensity, both as to the numbers and urgency of the applications. The state legislatures, and the local banks, and other bodies in favour of the President personally, or of this particular measure, on the other hand addressed memorials and despatched deputations to him, to express their approval of the course he had pursued, and encourage him not to relax the rigour or determination of his hostility to the Bank.

The President received these testimonials to the advantages of his policy with great favour; but the petitioners for relief were told that the government could provide neither remedy nor relief; it was all in the hands of the Bank, or the banks, and themselves, for “they who traded on borrowed capital ought to break:” an aphorism so true as to be a truism, and quite false when laid down thus without discrimination or limitation. We may be assured that few would venture on such an errand to the White House, except those who were not “Jackson-men;” and so the roughness of their reception is fully accounted for. The Senate willingly received the petitions which complained of distress, and implored relief; but in the House of Representatives, where the majority supported the President, they met with little countenance. Nevertheless, all the session long, these proofs of commercial embarrassment and popular excitement continued to pour into Washington; nor was it possible for any quite to shut out the conviction that the country had to pay dearly for the accomplishment of the President’s designs.

All this while, another movement in the Bank contest was in progress in the Senate—the discussion of the question whether or not to confirm the nomination of the government directors to the Bank. James A. Bayard, one of the five, was accepted by the Senate, but the other four were rejected, about the end of February.

In the House also, a line of operations, wholly distinct, and indeed opposed to what we have seen proceeding in the Senate, was being carried on. There, the Message, the Secretary’s Report, the Bank Memorial, and the other documents relating to the matter, were all referred to the committee of ways and means; and Polk, the chairman, on the 4th of March reported four resolu-

tions, which were carried on the 4th of April, to this effect—that the Bank ought not to be re-chartered; that the deposit ought not to be replaced; that state banks ought to be used as places of deposit, but that Congress (and here they implicitly blamed the President, and that with some severity) ought to prescribe the mode of selecting them, the securities, the terms, and the manner of employing them; and also that a complete investigation of the affairs of the Bank of the United States should be made, for the purpose of ascertaining “the cause of the commercial embarrassment and distress complained of by numerous citizens of the United States.”

Benton records with great satisfaction the fact that the resolution against the re-charter of the Bank was carried by a majority of a hundred and thirty-four (others say five) against eighty-two; as it shows “an immense difference, to the prejudice of the Bank, since the veto session of 1832.” We, considering that there had been a presidential and a congressional election since that time, and observing that in the Senate no such change had taken place, can only believe that the administration had made the best use of its numerous opportunities, and its vast powers, and had demonstrated that the Bank was not that horrible and all but omnipotent thing which the President’s Messages, and the speeches and writings of his adherents, had so passionately and continually declared. Others of the resolutions were carried by a smaller majority; but the last by a majority of a hundred and thirty-three!

These resolutions were yet under discussion in the House, when, at the beginning of February, a number of incidents which marked the onward movements of the struggle occurred. On the 4th, Jackson sent a Message, to both Houses of Congress, in which he censured the Bank, for refusing to deliver to him the books, papers, and funds, connected with the pension to the surviving soldiers of the Revolution: a censure which the judiciary committee of the Senate, on the 17th of the month, reported as undeserved; which decision was affirmed by the Senate, after much debate, near the end of May.

Next day, the fifth of February (the resolution declaring the unsatisfactoriness of the Secretary’s story having been referred to the committee of finance later in the preceding afternoon), Webster produced the report of the committee, “a very elaborate, argumentative paper,” says Benton, “the reading of which consumed an hour and a quarter of time,”—as we can well believe. It recommended the adoption of Clay’s resolution. Such remarkable despatch of business displeased the administration party even more than the support of Clay’s motion; and Benton, overlooking the fact that it had been under discussion for above a month, tells us with some exultation that this report had been drawn by the Bank solicitor, and was ready in Webster’s pocket, before the matter was referred; as if the adoption by the committee were not the only thing of importance, or were wanting in the case.

On the 22nd of February, Webster made his speech against Forsyth’s declaration that the executive was trying “an experiment” with the public deposits. “Mr. President,” he said, “this experiment will not amuse the people of this country. They are quite too serious to be amused. Their suffering is too intense to be sported with. . . . They are not so unthinking as to forego the rich blessings now in their actual enjoyment, and trust the



future to the contingencies and the chances which may betide an unnecessary and a wild experiment. They will not expose themselves at once to injury and to ridicule. They will not buy reproach and scorn at so dear a rate. . . . The objects avowed in this most extraordinary measure are altogether undesirable. The end, if it could be obtained, is an end fit to be strenuously avoided; and the process adopted to carry on the experiment, and to reach that end (which it can never attain, and which in that respect wholly fails), does not fail, meantime, to spread far and wide a deep and general distress, and to agitate the country beyond anything which has heretofore happened to us in a time of peace." "Depend upon it, sir, depend upon it, this experiment cannot succeed. It will fail, it has failed, it is a complete failure already."

The numerous speeches made by Clay, Webster, and others, when presenting memorials and petitions respecting the distress, we can only refer to generally; with a less resolute President, or one capable of "looking before and after," such tactics would have succeeded in turning him from his object. One incident alone we may relate.

Whilst seconding Webster's motion to refer and print one of these memorials, Henry Clay addressed Van Buren personally, and charged him with a message and a supplication to the President. "Go to him, and tell him," said he, "without exaggeration, but in the language of truth and sincerity, the condition of his bleeding country. Tell him it is nearly ruined and undone by the measures which he has been induced to put in operation. Tell him that his experiment is operating on the nation, like the philosopher's experiment upon a convulsed animal in an exhausted receiver; and that it must expire in agony if he does not pause, give it sound and free circulation, and suffer the energies of the people to be revived and restored. . . . Tell him that he has been abused, deceived, betrayed, by the wicked counsels of unprincipled men around him. . . . Tell him that in his bosom alone, under actual circumstances, does the power abide to relieve the country; and that unless he opens it to conviction, and corrects the errors of his administration, no human imagination can conceive, and no human tongue can express, the awful consequences which may follow. Entreat him to pause, and reflect that there is a point beyond which human endurance cannot go; and let him not drive this brave, generous, and patriotic people to madness and despair."

"During the delivery of this apostrophe," Benton relates, "the Vice-President maintained the utmost decorum of countenance, looking respectfully and even innocently at the speaker all the while, as if treasuring up every word he said to be faithfully repeated to the President. After it was over, and the Vice-President had called some senator to the chair, he went up to Mr. Clay, and asked him for a pinch of his fine maccoboy snuff (as he often did); and having received it, walked away. But a public meeting in Philadelphia took the performance seriously to heart, and adopted a resolution ['that Martin Van Buren deserves and will receive the execrations of all good men, should he shrink from the responsibility of conveying to Andrew Jackson the message sent by the Honourable Henry Clay,' &c. &c.] which the indefatigable Hezekiah Niles 'registered' for the information of posterity."

How Webster played only a secondary part in relation to the main attack

upon the President's policy, has been told. The representative of New England and the North was, however, too important a man, and too well understood his position with his party, to be satisfied with this; on the 18th of March, therefore, he moved for leave to bring in a bill to extend the charter of the Bank for six years,—proposing, as he said, and no doubt thought, that “which no reasonable man, who really desired to relieve the country, could object to.” Beside the extension for six years, the restoration of the deposits after the 1st of the following July was a prominent feature of his scheme. Yet, aware that without some compromise there was not the remotest possibility of effecting any result, he inserted the provision, that after March, 1836, when the old charter expired, Congress should be “at perfect liberty to create any new bank.” and, as a counterpoise, permitted the directors to begin to divide the capital among the stockholders three years before the expiration of the charter, if they had to wind up their concern. “And it is my settled belief,” added he, “that if we cannot carry this, we can carry nothing.”

This proposal was not open to the objection urged by the President's party against Clay's resolutions. It did not involve impeachment, and it was not a barren expression of opinion; but it met with no more favour than they had received from the anti-Bankists. Calhoun supported it, not as being what he desired to see, for he wished the term to be doubled,—but because it was a practical measure with regard to “the currency,” as he explained. It was understood, too, that Nicholas Biddle himself preferred this measure, as the best and most feasible remedy for the state of things in which he found himself. Clay insisted on the full term of twenty years, and for once forgot his own policy. It is alleged by Benton, that the introducer of the proposition “had private assurances of support from friends of the administration, if all the friends of the Bank stood firm.” Simultaneously with, and *à propos de*, this movement of Webster's, Benton brought forward “his proposition for the revival of a gold currency.” But it was not by Benton or the administration that Webster's plan was defeated; “the friends of the Bank refused, in a body, to give Mr. Webster the leave asked: the enemies of the Bank were in favour of giving him the leave,—chiefly, perhaps, because his friends refused it.” He, therefore, himself “moved to lay his own motion on the table;” and Forsyth, calling for the yeas and nays, demonstrated that “this balk came from Webster's own side of the chamber.”

On the 28th of March, Clay's second resolution, as recommended by the finance committee, passed; twenty-eight voting for it, against eighteen on the contrary side. And the same day the first resolution, which had been altered again and again by its promoters, passed (twenty-six voting for it, and twenty against) in this form:—“Resolved, that the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both.”

When the House of Representatives, in the beginning of April, voted amongst other things for an investigation of the affairs of the Bank, in order to the discovery of the cause of the distress and panic which prevailed throughout the Union, no time was lost by the committee that had been appointed in carrying



out the intention of the overwhelming majority which had commissioned them. But on arriving at Philadelphia, they discovered, that notwithstanding four valid grounds of right to make such an inquisition into the business and conduct of the Bank, the directors of this institution were by no means disposed to submit to it. And without searching very curiously, we think we can see reasons sufficient for their determination, in the simple fact that "confidence," which in general implies *secrecy*, was essentially necessary in the management of a bank.

"The directors had appointed a company of seven to meet the committee of the House [also numbering seven]—a procedure," says Benton, "unwarranted by any right or usage, and offensive in its pretentious equality [yet, one could believe, not unjustified by the circumstances of the case], but to which the committee consented. . . . The corporation committee was to sit with them, in the room in the Bank assigned for the examination, and took care always to pre-occupy it before the House committee arrived, and to act as if at home receiving guests. The committee then took a room in a hotel, and asked to have the Bank books sent to them [the reasonable men!], which was refused. They then desired to have the books subjected to their inspection in the Bank itself; in which request they were baffled and defeated. The Bank committee required [as was surely just and proper, considering their duties to their constituents and to the customers of the Bank—two tolerably numerous classes] a written specification of their points of inquiry, either in examining a book, or asking a question,—that it might judge its legality; which they confined to mere breaches of the charter. [In which respect alone they were amenable to Congress be it remembered.] And when the directors were summoned to answer questions, they refused to be sworn, and excused themselves on the ground of being parties to the proceeding."

Foiled thus, and by so unexpected an application of the "*demos krateo* principle," for which none had so strenuously contended as the anti-Bank party, the commissioners returned to Washington, reported the upshot of their efforts to bring the Bank to account, and moved that a warrant should be issued by the Speaker, to arrest and bring to the bar of the House Nicholas Biddle and the other contumacious directors, to answer for their contempt. But the resolve was not acted upon, and the directors enjoyed their triumph, which was more than a "negative" one, though Benton so regarded it. They had no other triumphs to boast; but to this one they were fairly entitled, if democratic republicanism be anything more than an empty name.

In the middle of April, Jackson replied to the condemnatory resolution of the Senate by a long protest of a very remarkable character. The principal part of it was occupied by an exposition of the constitution, as understood by himself, for the purpose of showing that the course adopted by the Senate in passing the condemnatory resolution was contrary to the forms and the spirit of the constitution. In four instances it showed, by the citation of approving resolutions passed by state legislatures, that senators had voted in opposition to the known and avowed views of their constituencies,—by which the force and worth of their votes was assumed to be neutralised. The first form of the resolution, which was withdrawn before the final vote, it discussed as amply as if the Senate

had passed it. It took for granted that Congress might not record such an expression of its opinion of the President's acts, except in the form of an impeachment by the House of Representatives before the Senate. No distinct explanation of the conduct which had called forth the resolution was vouchsafed, but in defending the removal of Duane, and in discussing the "time and occasion" of the passing of the resolution of the Senate, the old, oft-repeated, never-proved accusations of the Bank were incidentally inserted. The sum being no more than this, that "the Bank of the United States, a great moneyed monopoly [which it was not], had attempted to obtain a renewal of its charter by controlling the elections of the people and the action of the government;"—which was an admission that the political action of the Bank was undertaken in self-defence alone.

The concluding paragraph (which shows that the protest was not written by Jackson) was cleverly constructed as an appeal to his great and widely-spread party of personal adherents. "I have lived in vain," it says, "if it be necessary to enter into a formal vindication of my character and purpose. . . . In vain do I bear upon my person enduring memorials of that contest in which American liberty was purchased [when a boy, being taken prisoner by the British, he was wounded by a British officer, so the tale went, for refusing to perform some menial service for him],—in vain have I since perilled property, fame, and life in defence of the rights and privileges so dearly bought,—in vain am I now, without a personal aspiration, or the hope of individual advantage, encountering responsibilities and dangers, from which, by mere inactivity in relation to a single point, I might have been exempt—if any serious doubts can be entertained as to the purity of my purpose and motives. If I had been ambitious, I should have sought an alliance with that powerful institution which even now aspires to no divided empire [most of the senators knew that the Bank struggle was now, on its part, for the bare life, as a commercial institution; but the people generally would receive this declaration of the President's as an announcement of a simple fact]; if I had been venal, I should have sold myself to its designs [there is no evidence that the Bank ever offered to buy the President, even had he been venal]; had I preferred personal comfort and official ease to the performance of my arduous duty, I should cease to molest it. . . . The ambition which leads me on, is an anxious desire and fixed determination to return to the people unimpaired the sacred trust they have confided to my charge,—to heal the wounds of the constitution, and preserve it from further violation,—to persuade my countrymen (so far as I may) that it is not in a splendid government, supported by powerful monopolies and aristocratical establishments, that they will find happiness, or their liberties protection; but in a plain system, void of pomp—protecting all, and granting favours to none," &c. &c. Alas! and there were the millions of coloured men in the South which the "system" designedly left unprotected; and there was the "standing army" of placemen, on whom all the favours that the executive had in its gift, or could get into its power, had been bestowed; and so "plain" had the "system" become, that every man of real genius and ability was in the ranks of the opposition; the administration being avowedly based upon a mere unimpressible but overwhelming majority of voters!



Finally, the President "respectfully requested, that this Message and protest might be entered at length on the journal of the Senate."

The greatest "excitement," or "indignation" (according to the reports of the different parties), followed the reading of this protest, and Poindexter, a senator from Mississippi, immediately moved that it should not be received. "This effort to denounce and overawe the deliberations of the Senate," said he, "may properly be regarded as capping the climax of that systematic plan of operations which has for several years been in progress, and is designed to bring this body into disrepute among the people, and thereby remove the only existing barrier to the arbitrary encroachments and usurpations of executive power." Benton seized the opportunity to deliver the speech he had already prepared, moving (but without any expectation of carrying it at this time) a resolution to expunge the condemnation from the record of the proceedings of that house.

And thus for three weeks the new storm raged, until on the 7th of May, by a vote of twenty-seven against sixteen, the following modified resolutions were passed:—"That the protest communicated to the Senate on the 17th [of April] by the President of the United States, asserts powers as belonging to the President which are inconsistent with the just authority of the two Houses of Congress, and inconsistent with the constitution of the United States; and that the aforesaid protest is a breach of the privileges of the Senate, and that it be not entered on the journal."

Calhoun spoke on the day before the vote. He insisted that the question was not whether the Senate had a right to pass their original resolution. "It is one of a very different character, and of a much greater magnitude. It is whether the President has a right to question our decision?" He ridiculed the pretensions of Jackson to be "the immediate representative of the American people;" and referring to the new organisation of the "National Republican" opposition, and the name they had chosen—Whig,—which recalled both the glorious days of the Revolution, and the time when, in the fatherland, the ancestors of those who had fought for and achieved the independence of America had resisted unto the end the tyranny of the Stuarts, and the madness of the Tory party which aided and abetted them,—he said "I am mortified, that in this country, boasting of its Anglo-Saxon descent, any one of respectable standing, much less the President of the United States, should be found to entertain principles leading to such monstrous results; and I can scarcely believe myself to be breathing the air of our country, and to be within the walls of the Senate chamber, when I hear such doctrines vindicated. It is proof of the wonderful degeneracy of the times,—of a total loss of the true conceptions of constitutional liberty. But, in the midst of this degeneracy I perceive the symptoms of regeneration. It is not my wish to touch on party designations that have recently obtained, and which have been introduced in the debate on this occasion; I cannot, however, but remark, that the revival of the party names of the Revolution is not without a meaning, nor without an indication of a return to those principles which lie at the foundation of our liberty."

Webster's great speech was delivered on the very day of the vote. It is the one eulogised so extravagantly by Chancellor Kent—"It is worth millions to

our liberties;" and of which Tazewell declared, that he would bequeath his copy of it "as a special legacy to his children." It exposed and combated the assumptions of the protest, and those more dangerous practical pretensions which it was the design of the protest to vindicate; and, stripping from that unconstitutional document its outward show of criticism on the discussion and resolution of the Senate, displayed the appetite for greater power than the constitution allowed to the executive which it concealed. The claims to be the sole representative of the American people, and to be the guardian of the constitution "against the representatives of the people and the representatives of the states," were exposed with all the force of such words as Webster could utter. Respecting the latter claim he spoke thus:—

"Mr. President, the contest for ages has been to rescue liberty from the grasp of the executive power. Whoever has engaged in her sacred cause, from the days of the downfall of those great aristocracies which had stood between the king and the people, to the time of our own independence, has struggled for the accomplishment of that single object. On the long list of the champions of human freedom, there is not one name dimmed by the reproach of advocating the extension of executive authority; on the contrary, the uniform and steady purpose of all such champions has been to limit and restrain it. To this end the spirit of liberty, growing more and more enlightened, and more and more vigorous from age to age, has been battering for centuries against the solid buttments of the feudal system. To this end all that could be gained from the imprudence, snatched from the weakness, or wrung from the necessities of crowned heads, has been carefully gathered up, secured, and hoarded, as the rich treasures, the very jewels of liberty. To this end popular and representative right has kept up its warfare against prerogative, with various success; sometimes writing the history of a whole age in blood, sometimes witnessing the martyrdom of Sidneys and Russells; often baffled and repulsed, but still gaining, on the whole, and holding what it gained with a grasp which nothing but the complete extinction of its own being could compel it to relinquish.

"At length, the great contest over executive power in the leading western states of Europe has been accomplished. The feudal system, like other stupendous fabrics of past ages, is known only by the rubbish which it has left behind it. Crowned heads have been compelled to submit to the restraints of law; and the PEOPLE, with that intelligence and that spirit which make their voice resistless, have been able to say to prerogative, 'Thus far shalt thou come, and no further!' I need hardly say, Sir, that into the full enjoyment of all which Europe has reached only through such slow and painful steps we sprung at once, by the declaration of independence, and by the establishment of free representative governments,—governments borrowing more or less from the models of the other states, but strengthened, secured, improved in their symmetry, and deepened in their foundation, by those great men of our own country whose names will be as familiar to future times as if they were written on the arch of the sky!"

Marvellous as is the power of the spoken word—as we feel it to be when we listen to such utterances as this—how true is the proverb, "Speech is silvern, silence is golden!" Webster, Calhoun, Clay, each with eloquence



peculiar to himself, and in its way "resistless," held audiences (composed in good part of opponents and antagonists) enchained—

"Wielded at will that fierce democracy,  
Shook the Capitol, and fulminated——"

over the land, with force comparable only to that of the immortal orators of Greece and Rome. On the other hand, Andrew Jackson,—a man so illiterate that he could scarcely upon any subject write two consecutive sentences grammatically, with his immovable reliance upon his own impulses, and unfailing tendency to press every conviction into action by the mere superiority of the plainest fact over the most admirable word,—not only overcame that redoubtable combination, but made the policy which was originated by it in reality impossible for the United States. This is a matter worthy of the consideration of those who would indeed be leaders in a nation.

No sooner had the Senate disposed of the President's protest, than Clay returned to the charge, and proposed two other resolutions—in which he hoped that the Representatives also would join—to the effect, that the reasons for removing the deposits, offered by the secretary, were unsatisfactory and insufficient, and that the public money ought to be placed in the Bank of the United States again. After due, or more than due, debate, in which no argument of novelty enough to deserve attention was advanced, the Senate accepted them, by votes of twenty-eight and twenty-nine to sixteen, on the 4th of June; and they were sent to the other House, and there, on the 13th of the month, on the motion of James K. Polk, of Tennessee (a follower of Jackson on the Bank question) by a vote of a hundred and fourteen against a hundred and one, they were "laid upon the table," and so ended.

Closely connected with the subject of the currency, which had now assumed great importance in relation to the Bank question, was an Act passed this session, "concerning the gold coins of the United States." The chief provision was that the "eagle" should, after the 31st of July next following, contain two hundred and thirty-two grains of fine gold, or two hundred and fifty-eight standard gold; being twelve grains less than the old coin of that denomination had contained. By other Acts, subsidiary to this, the value of certain foreign gold and silver coins was regulated in accordance with this new weight. The purpose of these measures was "the equalisation of the value of gold and silver," or, more correctly, the determination of "the true relative value of the two metals." The ratio had been fifteen to one in favour of gold; that which the scientific inquirers and financiers recommended instead of this, was the ratio of fifteen and five-eighths. But Benton had already recommended the Spanish ratio, sixteen to one, in his gold currency speech, and he now pressed this with such cogency that it was adopted.

The difficulty, as the senator from Missouri remarks, had always been so to adjust the value, as that neither metal should expel the other; and with the old ratio, it was impossible to retain gold in the country, since in the neighbouring colonies of Spain its worth was greater by one in every fifteen parts than in the United States. "The good effects of the bill," continues our "hard-money" man, "were immediately seen. Gold began to flow into the country through

all the channels of commerce,—old chests gave up their hordes [or suppose it were their *hoards*?]—the mint was busy; and in a few months, and as if by magic, a currency, banished from the country for thirty years, overspread the land, and gave joy and confidence to all the pursuits of industry." There was one quarter of the commercial heavens unirradiated by these golden beams, our senator admits. We could have anticipated it. "The United States Bank——," but we cannot unfeelingly ridicule his patriotic woe. "People were alarmed with counterfeits. Gilt counters were exhibited in the markets to alarm the ignorant. The coin itself was burlesqued in mock imitations of brass and copper, with grotesque figures and ludicrous inscriptions; the 'whole hog' and the 'better currency' being the favourite devices." Nay, to such a length was this factious, rather than facetious, opposition carried, that "the name of 'gold humbug' was [irreverently] fastened upon the person supposed to have been chiefly instrumental in bringing the derided coin into existence." And if all this was not the work of the Bank and Nicholas Biddle, whose could it be?

Jackson had announced in his message the discovery of what he euphemistically termed "illusory statements" regarding the costs and the management of the Post Office. This was taken up in the Senate, and a committee was instructed to inquire into, and report upon, the condition of that establishment. A few days before the end of the session, this report was presented with certain resolutions appended; the first of which, after being debated, was accepted "unanimously," so plainly had there been a dereliction of duty in the heads of that department. The consideration of the others was deferred till after the further prosecution of the inquiry.

"Resolved," said the report, "that it is proved, and admitted, that large sums of money have been borrowed at different banks by the Postmaster-general, in order to make up the deficiency in the means of carrying on the business of the Post Office department, without authority given by any law of Congress; and that as Congress alone possesses the power to borrow on the credit of the United States, all such contracts for loans by the Postmaster-general are illegal and void."

The other prominent measures of the session were chiefly Acts making appropriations for various public purposes, internal improvements continuing to receive no small share of the attention of Congress. Amongst them we observe with considerable interest one authorising the purchase of the books and papers of General Washington; for the United States have certainly never failed in honouring, according to the genius of their people, the great men who have risen amongst them. And with the month of June, 1834, this first session of the twenty-third Congress closed.

During the recess, the finance committee of the Senate sat for the investigation of the Bank affairs, as had been determined by the friends of that institution. It was called by its opponents "the white-washing committee," and not so unfairly, for only one member of it had opposed the Bank in Congress, and nothing could be expected to result from it but the reassertion of the foregone conclusion. And on the 1st of December, the Houses of the Legislature reassembled for their short concluding session.



John Bell, of Tennessee, had been appointed Speaker, in the place of Stevenson, near the end of the previous session, when this gentleman was nominated minister plenipotentiary and envoy extraordinary to the Court of St. James. The Message, which was read on the day following the opening, related principally to foreign affairs. It reported that the revenue of the current year, from all sources, was expected to amount to more than 20,500,000 dollars, there remaining in the Treasury from the year before, above 11,750,000; while the estimated expenditure reaching only 25,500,000, nearly 7,000,000 dollars would remain in the Treasury at the end of the year. "It appears," continued the President, "that after satisfying all those appropriations [made in former years], and after discharging the last item of the public debt, which will be done on the 1st of January next, there will remain unexpended in the Treasury an effective balance of about 440,000 dollars. [Small sum enough, but yet a *surplus* after paying off the last vestige of the debt, and therefore to be duly celebrated as we see.] That such should be the aspect of our finances is highly flattering to the industry and enterprise of our population, and auspicious of the wealth and prosperity which await the future cultivation of their growing resources. It is not deemed prudent, however, to recommend any change for the present in our impost rates, the effect of the gradual reduction now in progress in many of them not being sufficiently tested to guide us in determining the precise amount of revenue which they will produce."

Anticipating the result of the investigation of the committee of the Senate, Jackson broke out against the Bank in new invectives,—“created for the convenience of the government, that institution has become the scourge of the people,” said he, and he denounced with new fire “its corrupt and partisan loans.” For the Bank had not been idle. Soon after the end of the preceding session, Biddle had given notice of the purpose and ability of the Bank to extend its loans and discounts once more; and it had become so natural and necessary to the President and his adherents to complain of the Bank, that whatever it might do, or not do, they would have complained in the same manner. It would, indeed, be a sufficient answer to most of the allegations against this well-abused institution, to arrange them in chronological order, and present them at one view to our readers; for each is, in general, cancelled by its next successor, and the force of the whole is neutralised by their inconsistency and the animosity so evidently pervading them. But this must have been manifest from our relation of the controversy.

Besides extending its accommodation, however, the Bank had enforced its claims against the government on the ground of that dishonoured and “protested French bill;” and this alone was sufficient to arouse Jackson’s hottest ire. “The open seizure of the dividends on the public stock to the amount of 170,041 dollars, under pretence of paying damages, cost, and interest!” It is no wonder that the President’s soul was stirred. “This measure, resorted to by the Bank, is disorganising and revolutionary, and if generally resorted to by private citizens in like cases, would fill the land with anarchy and violence,”—an argument which might have been brought to bear very effectively on certain of Jackson’s own official doings. The only satisfactory proof of impropriety in this proceeding of the Bank we do not find in the Message—the exhibition of a safe

and honourable way to obtain certain and complete reparation of the injury received in consequence of the unusual course adopted by the government in the matter of this bill. The absence of this is an irrefragable reply to the President's tirade.

"To continue any business relations with the Bank of the United States that may be avoided without a violation of the national faith," proceeds the irate executive, "after that institution has set at open defiance the conceded right of the government to examine its affairs; after it has done all in its power to deride the public authority in other respects, and to bring it into disrepute at home and abroad; after it has attempted to defeat the clearly expressed will of the people, by turning against them the immense power intrusted to its hands, and by involving a country, otherwise peaceful, flourishing, and happy, in discussion, embarrassment, and distress, would make the nation itself a party to the degradation so sedulously prepared for its public agents, and do much to destroy the confidence of mankind in popular governments, and to bring into contempt their authority and efficiency. In guarding against an evil of such magnitude, considerations of temporary convenience should be thrown out of the question, and we should be influenced by such motives only as look to the honour and preservation of the republican system. Deeply, solemnly impressed with the justice of their views, I feel it my duty to recommend to you that a law be passed authorising the sale of the public stock; that the provisions of the charter requiring the receipt of notes of the Bank in payment of public dues, shall, in accordance with the power reserved to Congress in the fourteenth section of the charter, be suspended until the Bank pays to the Treasury the dividends withheld; that all laws connecting the government or its officers with the Bank, directly or indirectly, be repealed, and that the institution be left hereafter to its own resources and means."

And, in a subsequent paragraph, eulogising the local banks for their services and characteristics as fiscal agents of the government, a complete vindication of the Bank is incidentally introduced, in the shape of a charge against it of "agitating and convulsing the country for upwards of two years,"—a term which exactly justifies the assertion we have repeatedly made, that the Bank acted in self-defence alone, and that the burden of blame for whatever "agitation and convulsion" it might have occasioned to the country, really lay upon "the government," whose persecution compelled it to resort to such measures for its own protection.

Little of importance occurred in Congress during the session, except perhaps the establishment of branches of the mint at the gold mines in North Carolina and Georgia, and at New Orleans; and the failure of a scheme set on foot by Calhoun for distributing the surplus revenue that was expected amongst the states. And when the 3rd of March arrived, and the twenty-third Congress expired, it left "almost all the important measures of the session which had been discussed and partly acted upon unfinished; amongst which was the Post Office Reform bill, the Custom House Regulations bill, the Judiciary bill, the bill Regulating the Deposit of the Public Moneys in the Deposit Banks, the bill respecting the Tenure of Office and Removals from Office, the bill for Indemnifying the claimants for French Spoliations before the year 1800, and the Fortification bill."



Extra-congressional events have seldom engaged our attention in these chapters, except in the recess; but one event happened at the beginning of the year 1835, which requires particular notice. From the days of Peisistratus, and before them, the favourite artifice of men who plotted against public liberty, to win the hearts of the people, has been the affectation of the fear or the peril of assassination. And at the same time this is one of the most real of dangers for men who have achieved a high political position. Besides which, there are always monomaniacs in society, whom the most trifling occasions will arm with murderous intentions against any public notability.

Major J. Downing, under date February the 20th in the preceding year, does not scruple to charge upon the administration the old demagogue's trick. "Findin' things was goin pretty tuff agin us, and so many committee folks comin' on here, pestering on us every day with petitions and talk, [our folks] tho't best to put a stop to it—and got up some letters full of fire, and tow, and brimstone, and bloody murder agin the ginerel—and threatenin' on him. This, you know, is an old trick in the old countries—and I tell'd the ginerel I was peskily afeerd it wouldn't work well here. But they wouldn't take my advice—and so they got some on 'em printed. The first go off, the ginerel had a notion it would do some good, in stirrin' up our friends about the country; but when he and I come to consider on't, he begun to think it wouldn't work right—for when you come to think on't, it looks plagy strange, that folks who want a re-charter of a bank should be cut-throats and murderers—for if they had a notion that way, they could git money without comin' here for it, and killin' the ginerel, and runnin' the risk of my axe in the bargain."

Not much more was heard about the matter then; and even a personal assault on the President by a disappointed naval officer, who "tweaked his nose" on board a steamer, was soon forgotten amidst the pressure of more real perils. Early in this year, however, on the 30th of January, the President "assisted" at the obsequies of Warren R. Davies, a representative from South Carolina. As the funeral procession was setting out from the Capitol, just as Jackson, with his Secretaries of the Navy and the Treasury beside him, entered the portico from the door of the great rotunda, some one stepped out from the crowd, and in rapid succession snapped two pistols at him. Both of them missed fire, the percussion caps alone exploding; the general, never so much himself as under such circumstances, raised his cane, and rushed at the assassin, who was knocked down by a bystander, and instantly secured. After-trial showed the pistols well loaded, and perfectly effective; and on examination it proved that he was an emigrant from Great Britain, by name Richard Lawrence, a house-painter, driven to madness by want of employment; who, regarding the President as the cause of the universal depression of trade, thought by his death to avenge his own imagined wrongs, and to rid the country of its oppressor.

And now the whole country was busied in the elections for Congress immediately, and more remotely for the Presidency. It was very generally believed that, tired of the toil and sated with the enjoyment of the chief magistracy, Jackson would at once retire, and by that means immediately secure the succession of his indefatigable friend, Van Buren. It soon, however, appeared that such a course would, without doubt, throw the real succession into the hands of

the opponents of his policy, and afford an opportunity for another coalition or compromise, which might be more injurious than that of '33 to the democrats. Wherefore, in February in this year, renouncing that thought, he wrote a private letter for the purpose of publication, recommending the holding of a democratic convention, with as little delay as could be, to nominate candidates for the two executive offices at the next ensuing election. Van Buren had started the notion of such a convention, because he foresaw that by that means only could he be sure of the envied honour of following the general in the roll of the Presidents. The personal adherents of Jackson, who were the largest majority of his party, would, if Jackson himself advised that plan, adopt the man of his choice, and guarantee him the support of the Union.

The result was precisely what Van Buren expected. When the convention met at Baltimore in the middle of May, the whole of the six hundred delegates who were present, and who represented more or less completely the democracy of twenty-two states, voted for him as presidential candidate. A majority of more than two over one chose Colonel Richard M. Johnson, of Kentucky, as the candidate for the vice-presidency; the minority voting for William C. Rives, of Virginia, which state protested against the nomination of Johnson, and declared that it could not vote for him.

The greater number of the democratic party opposed to Van Buren, procured the nomination of Hugh L. White, a senator from Tennessee, as Jackson's successor. The Whig opposition, still more divided than their rivals, had three candidates in the field. Of them, Daniel Webster, though nominated only by his party in the Massachusetts legislature, seemed to have the best prospect of rallying the party in his favour. General Harrison, of Ohio, was nominated at Harrisburg; Ohio itself nominating John McLean.

The event proved, for the first time, that the great orator of Faneuil Hall could not reach that topmost round of ambition's ladder to which he manifestly aspired—as his declining to serve on the Bank investigation committee, though he was its official chairman, and his giving up the re-charter of the Bank in the way we showed, must be considered conclusively to prove. Harrison, restored to a conspicuous position only by being nominated for the presidency, whose whole sum of services we have related, could easily surpass him. The reason for this remarkable fact will appear in due time.

Upon the rejection of Taney, Levi Woodbury was appointed to the secretaryship of the Treasury, and accepted by the Senate. And during the recess of 1835, Amos Kendall, who "was a constant counsellor of the President," received the Post Office, as the reward for his faithful extra-official services. Taney was consoled for his rejection by the Senate by the post of associate judge, in the place of Duvall.

With the winter came the meeting of Congress again; and on the opening day, the dominant influence of the administration in the House was shown by the election of James K. Polk, of Tennessee, as Speaker, in opposition to John Bell, the late Speaker, by a hundred and thirty-two votes against eighty-four, only nine votes being scattered and so lost. Bell had forfeited the confidence of the democratic party by siding with the supporters of Judge White as a candidate for the presidency. On the next day, December the 8th, came the Message.



After due celebration of the glory of the Union, and full narrations of all foreign negotiations and affairs, the public finances were noticed. Their condition was announced as "never more flattering:" the debt was extinguished; a balance of nineteen millions was in hand; after all unexpended appropriations had been met, there would be eleven millions; twenty millions were expected to accrue from various sources during the following year; and after all the appropriations were made which would be submitted to Congress, a surplus of six millions might be anticipated. This surplus, it was suggested, might be laid out in the navy yards, or new national works, rather than distributed amongst the states, or "reduced faster than would be effected by the existing laws." The receipt of eleven millions from the sale of public lands in the current year was announced, and the need of some great changes in the General Land Office was intimated; together with the abolition of the offices of commissioners of loans and of the sinking fund.

Little remained to be said of the Bank; but Jackson was one who never left an enemy while life was in him; so a new form of attack was devised. "It is incumbent on Congress, in guarding the pecuniary interests of the country, to discontinue, by such a law as was passed in 1812, the receipt of the bills of the Bank of the United States in payment of public revenue; and to provide for the designation of an agent whose duty it shall be to take charge of the books and stock of the United States in that institution, and to close all connection with it after the 3rd of March, 1836, when its charter expires." And then, in the manner which had unfortunately become characteristic of Presidents' Messages by this time, he proceeded to discuss over again at great length the whole Bank question—*crambe bis decies cocta*—in which it is not incumbent upon us to imitate him.

Notices of the army department followed; the re-organisation of the topographical corps was recommended; the failure of the Fortification Bill to pass in the previous session was regretted; and the digestion and establishment of a practicable militia system was strongly urged. The Indian removal question was next spoken of, and the steps taken to promote the physical comfort and moral improvement of the aborigines detailed. And after a slight glance at the Navy, the Post Office was reached. "The speedy extinguishment of its debts" was vaguely promised through an "able and luminous report" of the Postmaster-general; the transmission of mails on railroads was for the first time mentioned, and the action of Congress invoked to repress the extravagance of the compensation required for that service, upon grounds, and under sanctions, hardly compatible with a very enlarged political economy.

Repeating once more his suggestions regarding the mode of electing the President and Vice-President, and the extension of the judicial system, Jackson concluded his long Message with expressions of confidence in the wisdom and patriotism of Congress.

The proceedings of this prolonged session were not of the same interest as those we have of late had to record. The Bank occupied a smaller share of the attention of the legislature, coming under it chiefly in an incidental manner, as the expunging resolution was advocated by Benton, and the regulation of the public deposits was discussed by the Senate.

As for the United States' Bank itself, a fortnight before the expiration of its charter from Congress, at the cost of 2,000,000 dollars in the form of a bonus, it obtained from the legislature of Pennsylvania a charter as a local bank of that state, with its original amount of capital, 35,000,000 dollars. But its prestige and power had departed, and the issue of this experiment, which will be recorded in another chapter, will show conclusively how unwise and impolitic are such political interference with commerce and money as we have seen both the President and the Congress guilty of towards the Bank—and such political intriguing as we have seen the Bank resorting to, in the vain hope of defending itself against the attacks of the government.

In the form of an amendment to this Deposit Regulation Bill, Webster proposed, but in vain—and we cannot regret that it was so—the distribution of the surplus revenue amongst the several states, in proportion to their population. Henry Clay had, early in the session, re-introduced his bill for distributing the proceeds of the public lands amongst the states, which, though it passed the Senate, failed in the House. The Regulation Bill placed the surplus (and it proved to be more than 28,000,000 dollars in amount) rateably in the hands of the persons authorised by the states to receive it, to be held by them, and used, but not to be charged with interest, and with no expectation that it would ever be recalled. Happily, in one aspect of the matter, the pecuniary difficulties of the government in 1837 prevented the deposit of the fourth instalment with the states, and thus that part of the surplus was preserved to the Union.

The inevitable consequence of the overthrow of the National Bank, and this distribution of capital amongst the states, was the creation of new banks with nominal capital, and the nominal increase of the capital of those already existing; which signified nothing but the indefinite increase of the quantity of paper money, representing no solid capital, and entirely inconvertible, with which the whole country was already deluged. How the law forbidding the issue of small notes was violated and evaded, we do not need to inquire; of the fact we cannot doubt, especially when we learn that “some of the banks were acquiring such influence, as almost to threaten defiance to the laws.”

Nor were these the sole evils which were the offspring of this derangement of the old state of things. Speculations of the wildest character were set on foot, especially in the form which the circumstances of the country most readily invited—the purchase and settlement of unappropriated land. A picture from one part of the Union, within the limits of the anciently settled parts, will serve as an illustration of what was to be seen in every section of the land.

An eye-witness wrote at this very time thus: “If any one should make a map of the lands lying within a distance of thirty or forty miles from New York, and embrace in it all the improvements projected or actually existing, the spectator, who does not know the true condition of the country, would be astonished at the appearance of the dense population which it would present. Cities, towns, and villages would be represented as scattered round him at every step. The intermediate slips of unoccupied ground would hardly seem large enough even to furnish pasture for the stray cattle of the surrounding towns, much less to supply their inhabitants with all the necessary products of agricultural consumption. We hear no more of a farm being sold as a farm in the



neighbourhood of the city. The land is all divided into lots of one hundred feet by twenty-five; and it would seem as if, in the visions of speculators, a dense city must soon extend from the Atlantic Ocean to the Lakes, and from the Hudson River to the borders of Connecticut. No scheme seems too vast to stagger the credulity of the people. The most impracticable plans are received as easy of execution, and the most stupendous projects are entered upon with undoubting confidence. No one seems to anticipate that there must come a time when the fabric, which speculation is building up, must fall on the heads of the projectors and overwhelm them. A general infatuation has seized upon the minds of the community. The speculators, meantime, in imagination, are all getting rich. One buys the refusal of a piece of land for more than it is worth. Before the time of payment has arrived, he sells it to another at a large advance; the second sells it to a third; the third to a fourth; and in this way it passes through perhaps a dozen hands, before the first instalment of the original price has been paid. Each successive purchaser fancies himself rich, and the one into whose possession the property falls last has magnificent plans in prospect, and thinks he is the richest of all. But pay-day must come, and come ere long, we fear, to many an unprepared speculator, and rudely wake him from his dream of fancied wealth."

Another well-informed writer tells us that, "to carry on speculations which were supposed to hold out almost unbounded expectations of profit, it was quite immaterial what rate of interest was paid for the money employed in them: two per cent. monthly, on what was considered undeniable security, was currently paid. Hence, too, arose great eagerness to borrow money in Europe, and much indifference to the terms on which it was to be granted, for the use of the speculators, to whom the old-fashioned rates of four or five per cent. per annum, in sober and well-regulated communities, appeared absurd and contemptible. Such a market, likewise, being presented to European capitalists, produced a large abstraction of capital from Great Britain, and a want of sufficient power on the part of the Bank of England to arrest the movement on the other side of the Atlantic."

For another view of the consequences of these financial triumphs of Andrew Jackson, we may refer to the "eye-witness" quoted before, who wrote what we borrow from him (be it remembered) late in this year 1836, or quite early in 1837:—"The effect of this pervading spirit of speculation (or spirit of gambling of the most desperate character, as it might more properly be called) on the morals of the community is dreadful. Its direct and manifest tendency is to blunt men's moral perceptions, and accustom them by degrees to acts and devices of traffic which an honest, unsophisticated mind would shrink from with horror, as frauds of the most flagitious dye. . . . To this gambling spirit of the day we may directly trace the most of those prodigious frauds, the discovery of which has recently startled the public mind. 'Startled the public mind,' did we say? The phrase is wrong. The public were not startled. They heard the stories with the most stoical indifference; and if any exclamations were uttered, they conveyed rather a sentiment of commiseration for the criminals, than one of detestation for their stupendous crimes. But the day of the madness of speculation is drawing to a close. The time must come, nor can it

be remote, when some financial or commercial revulsion will throw back the stream of paper circulation to its source, and many a goodly vessel, which had ventured too boldly on the current, will be left by its reflux stranded on its shores. Circumstances may yet defer the evil day for a while, but it cannot be far off."

Congress was also called upon to consider the dangerous and exciting topic of negro slavery in connection with the admission of Arkansas, and with a change in the boundary line of Missouri, effected through Benton's exertions, he assures us; which was "accomplished," as he writes, "by the extraordinary process of altering a compromise line, intended to be perpetual, and the reconversion of soil, which had been slave and made free, back again from free to slave." And he gives lively expression to "the gratitude which all felt to the northern members, without whose aid it could not have been done,"—a "gratitude" which ought to awaken some reflections amongst those same northerns we think.

"This chapter," says our Missourian senator of that numbered a hundred and thirty-five, in his "Thirty Years' View," "has been copious on the subject of slavery. It relates to a period when a new point of departure was taken on the slave question;—when the question was carried into Congress, with avowed alternatives of dissolving the Union, and conducted in a way to show that dissolution was an object to be attained, not prevented; and this being the starting point of the slavery agitation, which has since menaced the Union, it is right that every citizen should have a clear view of its origin, progress, and design. From the beginning of the Missouri controversy, up to the year 1835, the author of this 'View' looked to the North as the point of danger from the slavery agitation; since that time, he has looked to the South for that danger. Equally opposed to it in either quarter, he has opposed it in both." This, *mutatis mutandis*, will apply to our own observations; and, as the testimony of a staunch pro-slavery advocate, deserves not a little consideration.

On the 4th of July, 1836, Congress rose; on the 11th of the same month, a circular was issued by the Secretary of the Treasury, "by order of the President," instructing the receivers of public money to take silver and gold alone (with the sole exception of "Virginia landscrip") in payment for the public lands. It had been attempted, by means of Benton, to secure this object by a joint resolution of the two Houses of Congress, but the Senate refusing to entertain the proposal, it was left to Jackson, on his own sole personal responsibility, to put this finishing stroke to his practical hostility to the United States' Bank; and hence came this "specie circular."

No doubt can be entertained, that the unprincipled conduct of the speculators, whose exploits we have already spoken of, afforded an amply justifying reason for this proceeding,—even if the sums in the Treasury, reported in the President's Messages as "not effective" (which meant bank paper, all of which was temporarily, and a good part permanently, quite valueless), had not come to be counted by the million! Nor can there be any doubt, that so far as the Bank of the United States intentionally supported the vicious banking system which was then all but universal in America, it deserves to be regarded as to blame for the consequences which followed. But these things notwithstanding, it was a patent and undenied fact that the overthrow of the National Bank, and



the substitution of local banks of deposit for the public moneys, together with the panic and the diminution of credit, the commercial distress, and the other concomitants and consequences of the President's persevering and triumphant warfare against that *imperium in imperio* which rivalled "the government" in authority,—had generated the speculations which gave occasion for this severe surgery.

The immediate effect of this order was necessarily to make specie abundant in the states where the purchasers of public lands were most numerous; and to make it scarce in the old Atlantic states, where trade and commerce were most active, and specie was most required. It did unquestionably check the operations of the speculators; but at the same time, and in a more disastrous degree, it embarrassed those of the manufacturers and merchants. Its ultimate consequences will come under consideration in another page.

Before Congress reassembled, the election of President for the next following term of office took place; and the results may be presented here, although not authoritatively made known to the country till some time after. The sole hope of the opposition was to throw the choice into the hands of the Representatives; and in this they were encouraged by the division in the democratic camp. Nevertheless they were deceived; and although the candidate of the principal section of the dominant party shone only by light borrowed from General Jackson, he yet achieved a brilliant victory.

Martin Van Buren, the Jackson candidate, received all the votes of Maine, New Hampshire, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, North Carolina, Alabama, Mississippi, Louisiana, Illinois, Missouri, Arkansas, and Michigan; together (if the three votes of the last-named state are counted, for it was not really a member of the Union at the time), a hundred and seventy votes. General Harrison received the votes of Vermont, New Jersey, Delaware, Maryland, Kentucky, Ohio, and Indiana; seventy-three in all. Tennessee and Georgia gave their twenty-six votes to Hugh L. White; Massachusetts bestowed its fourteen on Daniel Webster; and South Carolina its eleven on W. P. Mangum. Thus Jackson had the satisfaction of seeing his chief adviser and disciple appointed his successor in the president's chair.

For the Vice-Presidency, Colonel Richard M. Johnson had all the votes given to Van Buren; except those of Virginia, his total being a hundred and forty-seven. Francis Granger received those of Vermont, Massachusetts, New Jersey, Delaware, Kentucky, Ohio, and Indiana, seventy-seven in all. Maryland, South Carolina, Georgia, and Tennessee gave their forty-seven votes to John Tyler; and Virginia its twenty-three to William Smith. Thus no election was made for the Vice-Presidency, and this having been declared when the ballots were opened and the votes counted, the Senate proceeded to elect one of the two highest on the poll, and made choice of Richard M. Johnson, by thirty-three votes, against sixteen given to Francis Granger. No vote was given by South Carolina on this occasion.

Van Buren's majority, reckoned by the amount of the popular vote, was seven hundred and sixty-two thousand one hundred and forty-nine, against seven hundred and thirty-six thousand seven hundred and thirty-six given to all the other candidates.

The second and final session of the twenty-fourth Congress commenced on the 5th of December, 1836. The Message, read on the next day, began by congratulating the legislature on "the high state of prosperity which our beloved country had attained;" and after dwelling briefly on the foreign relations of the Union, proceeded to state the position of the national finances. The receipts for the year were declared to be something less than 47,750,000, and the expenditures about 32,000,000 dollars, so that the balance in the Treasury, at the following 1st of January, would be considerably above 41,500,000 dollars; the whole of which, with the exception of 5,000,000, would be transferred to the several states according to the provisions of the Deposit Regulations Act. And there seemed to be coming very speedily "a necessity to use a portion of the funds deposited with the states." Against this distribution of the surplus the Message then argued at length, and most reasonably. "The safest and simplest mode of obviating all difficulties," it said, "is to collect only revenue enough to meet the wants of the government, and let the people keep the balance of their property in their own hands, to be used for their own profit."

For the last time, the President "took up his burden" against the Bank, discussing it now with relation (more or less closely observed) to the question of a metallic or a paper currency. "The Specie Circular" was defended, and, unfortunately for his skill as a prophet, he spoke of "the happy consequences" which were to ensue. The operation of the local banks as "fiscal agents for the government" was lauded, and extolled above that of the Bank of the United States, in much the same vein as the managers of a township might extol the simplicity and economy of their proceedings, when compared with the expensive and complicated system which had its focus at Washington. The re-chartering of the Bank as a state-corporation, and its attempt to continue living, after he had fully believed its death certain, was spoken of by Jackson in the tone of an injured and insulted man, and Congress was invoked to put forth all its powers to kill the snake which had proved to be but scotched by the former attacks of the government.

Indian affairs, and a little war against one of the southern nations; the interference of the United States in the affairs of Texas; and some brief notice or suggestion respecting almost every other department of public affairs and offices, occupied the remainder of the Message, which concluded with the expression of thanks to "the great body of his fellow-citizens, in whose partiality and indulgence," the President said, "he had found encouragement and support in the many difficult and trying scenes through which it had been his lot to pass during his public career."

An energetic attempt was made this session to rescind the Treasury circular respecting specie payments for land sales. A resolution to this effect having been referred to the committee on public lands, a bill was reported, purporting the designation and limitation of the funds receivable for the revenues of the United States, and, in fact, providing for the reception of the notes of specie-paying banks in certain cases. Benton, the "hard-money" senator, vehemently opposed it; but it passed by an overwhelming majority—forty-one against five. In the House an attempt was made to amend it, so as to save the "Specie Circular," but it failed; a hundred and forty-three representatives voted for the



bill as it came from the Senate, and only fifty-nine against. It was the last day but one of the session before it was sent to the President, who did not hesitate to dispose of it, by retaining it after the adjournment of Congress, to the boundless joy of Benton, who in spirit beheld him "covered with the plaudits of a preserved and grateful country" in consequence.

Other measures passed, but they do not require notice from us here. The twenty-fourth Congress expired, simultaneously with the administration of General Jackson, on the 3rd of March, 1837. In imitation of the first President of the United States, he issued a "Farewell Address," in which he warmly thanked his fellow-citizens for their confidence and support, and earnestly counselled them to maintain the Union inviolate, and to observe the laws faithfully. "The constitution," said he, "cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of coercive powers confided to the general government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property in every quarter of the country; and in the paternal attachments which the citizens of the several states bear to one another, as members of one political family, mutually contributing to promote the happiness of each other. Hence the citizens of every state should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other states; and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union." But he applied these remarks so as to make them bear upon the opposition of the North to slavery, instead of upon slavery itself,—which, as he well knew, was, as it is, a permanent conspiracy against the tranquillity of the Union. Notices of the tariff and the surplus followed; and then a disquisition on the currency, showing the evils of paper-money, and including another onslaught upon the Bank. Next in order came a brief reference to foreign relations, and the wisdom of the carrying out a well-planned system of coast defences. And a few words of friendliness, with congratulations regarding the country, cautions respecting the foes to liberty, and some remarks personal to himself, closed this document.

We have bestowed an apparently disproportioned space upon the recital of the story of Jackson's administration; but it has been purposely, for it was the beginning of a new stage in the progress of the United States; and the seeds of much that has since happened, and of more yet future, lie in the transactions of those eight years. After we have reviewed the administration of Van Buren, which was a mere appendix to Jackson's, and the foreign relations of the Union under these Presidents, and have seen how the various parts of the Union were affected by the policy of the Federal government, and worked out the problems imposed on them severally by position, natural productions, and other circumstances, we shall be in a better position to judge of the influence of Jackson's rule upon the country. And we will not attempt to sketch it here.

But of Andrew Jackson himself, as he has appeared in the management of the domestic affairs of the Union, we can form no other opinion than that we have not obscurely intimated, as we have proceeded with our account of the transactions of his government. A statesman he cannot be called, nor was he a president

who at all realised the ideal of the executive under the constitution. He was as little of an economist as of a politician. And yet he has been looked up to by the vast majority of all who have been since his time, as one of the greatest Presidents and greatest men that ever illustrated the Western World. He was a man of small grasp of mind, but intensely practical, and still more energetically dictatorial, and intolerant of the very appearance of a traversing of his desires. Every matter with him was personal, and so a man or an institution might be regarded as an enemy without being aware of it; and he never ceased to pursue, so long as the shadow of means or opportunity remained to him, those whom he thus esteemed.

He undoubtedly checked the growth of the power of Congress, and put down the pretence of a higher sovereignty in the states separately than in the Union; but he largely encouraged that kind of individual sovereignty in the citizens, which has made the laws the sport of mobs and majorities; and he introduced that extension of Jefferson's theory of the uses of office, which has since served, more than any or all other causes, to embarrass the acts of the government of the United States both at home and abroad. It is, beyond a doubt, a good thing for the Americans to regard him as their hero and pattern-man rather than Jefferson; for there is a simplicity and straightforwardness about him, and an amount of courage and manfulness which the "Sage of Monticello" never possessed. But if the character of a nation be at all moulded by its hero worship, so that it is a question of infinite practical moment who its heroes are, then we confess that we shall hail the day as one of a new birth for America, when—forgetting all who like Andrew Jackson are great men only because not so little as the millions round them—she shall "return to her first love," and give the free and generous homage of her heart to him who almost alone of modern men has been proclaimed a hero by every nation—whose name alone is a vindication of the war of independence—and whom it is, hitherto, her greatest boast to have produced—GEORGE WASHINGTON.

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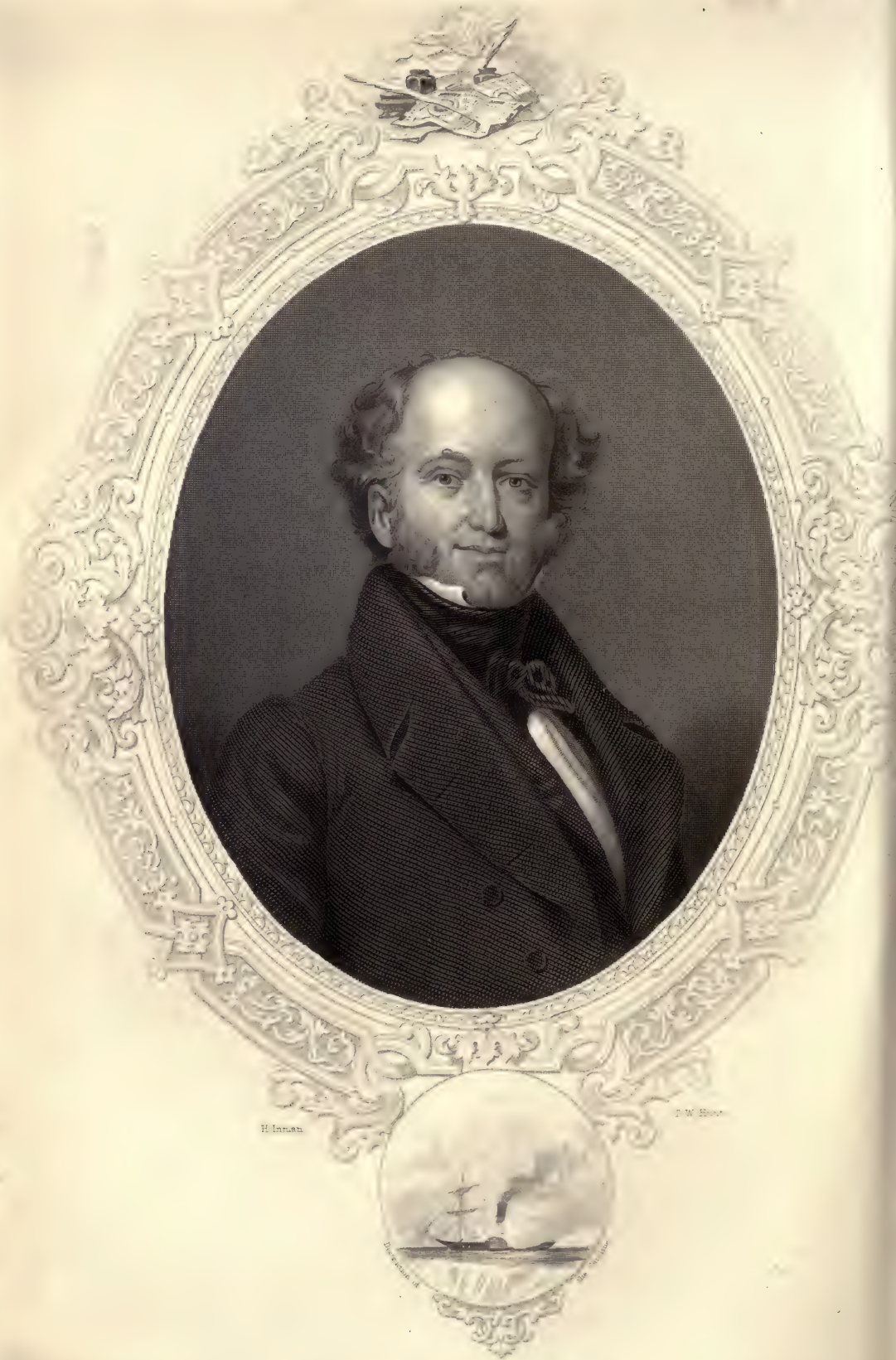
## CHAPTER II.

PROGRESS OF THE UNION UNDER VAN BUREN'S PRESIDENCY.—MONETARY AND MERCANTILE EMBARRASMENTS.—A NEW PARTY IN OPPOSITION.—THE INDEPENDENT, OR SUB-TREASURY SCHEME.—OPENING OF THE TWENTY-SIXTH CONGRESS.—MOVEMENTS AND COMBINATIONS PREPARATORY TO THE ENSUING PRESIDENTIAL ELECTION.—BREAK-DOWN OF THE REFORM AND RETRENCHMENT POLICY.—ELECTION OF GENERAL HARRISON.

MARTIN VAN BUREN was raised to the Presidency solely by virtue of his faithfulness to the cause of his predecessor, both as regards public and private affairs, the little scandal concerning Mrs. Eaton not excepted. He had tenaciously adhered to the person of General Jackson, and had suffered in consequence. He had been the chief of "the cabinet improper," whose inspirations had directed the last President's conduct in respect of public affairs. He was







*J. W. Brown*



early designated as "successor," by the opposition and by himself, however, before he was by the party and its chief. And, at last, it was evident that Jackson's overwhelming influence alone carried him safely through the election. His administration was merely a supplement to that of Jackson, and it afforded the opportunity that was wanted to test the financial experiment of local banks of deposit instead of a national bank, and to complete that costly and improvident episode in United States' history. On this account (for the principles developed and illustrated have all come under notice before) we shall greatly condense our narrative at this point; and both our space, and our having to speak of the actions of men yet living, will impose upon us the same necessity of limitation for the future.

Jackson remained at Washington to witness the inauguration of his successor (in this respect imitating Jefferson, as John Quincy Adams had copied his father), the general conveying the new President to the Capitol in his phaeton, made from the wood of the frigate Constitution—a fact significant of much—for there was no state-carriage provided. The ceremonies were the same as usual, the Address was delivered "in clear, impressive tones, and in an easy and eloquent manner;" and Chief-Justice Taney administered the oath. "There," said the ex-President, "is my rejected minister to England sworn as President by my rejected judge of the Supreme Court!"

Of himself the President spoke as the first in that position of the second generation, he having been born about the time when the treaty of Versailles was negotiated. The institutions of America were warmly eulogised; taxation, self-government, war, extension of territory, the conflict between State and Federal authorities, and slavery, being referred to in turn, as trying and demonstrating the stability of the Union.

Little change was made in the *personnel* of the cabinet, or in the office-holders throughout the country; Jackson's "reform" had made it unnecessary to do anything in the way of removals, and the substitution of Joel R. Poinsett as Minister of War in the place of General Cass, whom Jackson had appointed ambassador to France, was all that was needful to complete the staff of the government.

We related in the former part of our story how Jefferson, having fomented war with Great Britain, and rendered it inevitable, handed over the reins of government to his successor just in time to rid himself of the actual responsibility of commencing hostilities, and of the odium of being regarded as the parent of the war. It happened similarly with Jackson and his successor; the disastrous issue of the implacable hostility wherewith the former pursued the Bank of the United States, until he had deprived it of its position, ruined its credit, and thrown upon it, in the general esteem, the guilt of whatever might result from the indulgence of his reckless animosity—this was left to signalise Van Buren's administration, and to make his name painfully memorable in America.

Scarcely had he realised the fact that he was the first man in America, than the storm burst over the country. It had been evidently approaching ever since the "Specie Circular" had come into full operation, the surplus distribution scheme accelerated its coming. In the latter part of the last session of

Congress under Jackson, New York petitioned the Senate for the establishment of a national bank, and Webster, who advocated the petition, whilst he stated his own determination to abide by his resolution "not to make any movement towards the establishment of a national bank, till public opinion should call for it," stated that fourteen or fifteen hundred mercantile houses in the city of New York had in it set forth their opinion that this "was the only remedy of a permanent character for the correction of the evils then affecting the currency of the country and the commercial exchanges." Benton spoke of an explosion as being imminently near, in consequence of the use of paper-money instead of specie, and forgetting that paper-money had been in use so many years without any such explosion, no such policy as Jackson's having annihilated its credit.

New Orleans was the place where the first failures of importance occurred, but at New York similar suspensions followed immediately. Two hundred and fifty houses stopped payment in this city, during the first three weeks of April. In two days, houses in New Orleans owing an aggregate of more than 27,000,000 dollars, stopped payment. One house alone was indebted to the amount of 15,000,000! The demands upon the banks rose with frightful rapidity, and (which was more ominous) they could not keep their notes in circulation. The alarm grew to be a panic, then came a general run upon the banks; on the 3rd of May a numerous meeting at New York appointed a deputation to proceed to Washington and request the President to rescind the "Specie Circular," to defer commencing suits upon unpaid bonds, and to call an extra session of Congress; and the committee stated that, "under a deep impression of the propriety of confining our declarations within moderate limits, we affirm that the value of our real estate has within the last six months depreciated more than 40,000,000 dollars; . . . that within the same period a decline of 20,000,000 has occurred in our local stocks; . . . that within a few weeks not less than twenty thousand individuals, depending upon their daily labour for their daily bread, have been discharged by their employers because the means of retaining them were exhausted; and that a complete blight has fallen upon a community heretofore so active, enterprising, and prosperous:" on the 10th of the same month all the banks in that city, by common consent, stopped payment in specie, and agreed to receive each other's notes in payment of debt and deposit; and on the 16th the New York legislature passed an act authorising the suspension of specie payments by the banks of the state for a year. To such a height, and so rapidly, did the embarrassment grow.

As soon as the resolution of the New York banks was known, the banks of the principal places in New England, Pennsylvania, Maryland, &c., adopted the same determination. The United States' Bank itself (now only a state bank, and powerless as the other establishments of its class) "bent to the tempest, in self-defence imitating the example of the rest." "One sentiment pervaded all classes of the commercial world—the anticipation of universal ruin, and individual beggary."

Foremost amongst the causes of this unexampled distress was the "Specie Circular," the necessary results of which were, that the banks could not possibly extend their line of discount, and that they were compelled to begin to call in



their issues. Another cause was the distribution of the surplus revenue amongst the states, especially on account of the manner in which that operation was accomplished. The local banks, which had been selected as banks of deposit, had regarded the public moneys deposited with them as in fact an addition to their available capital; for it never occurred to them that they would be recalled until the exigencies of the public service should require them. They had therefore increased their loans, and it was by no means an easy task to call these in again. In addition to which, they were compelled to keep hoarded in their cellars a vast quantity of coin, which, under then existing circumstances, would have been far better employed by being put into circulation. For, being obliged to furnish the Secretary of the Treasury with weekly statements of the amount of specie in their possession, they feared, reasonably enough, that any diminution of the customary amount might occasion the immediate demand for the whole of the public funds deposited with them.

Another cause of this commercial embarrassment was said to be the excessive importations of commodities from Europe; and the weakening of the credit of the American merchants made it necessary to pay in specie—to the great aggravation of the trouble under which the great trading places lay, which were thus subjected to a double drain, one inland to effect the purchases of public lands that continued to be made there, the other over the ocean eastward to meet the bills of the exporting houses in London.

Besides New York, other commercial towns and cities petitioned the President to revoke the "Specie Circular," and to summon an extra session of Congress. In respect of the former of these prayers, Van Buren soon showed that he had no intention to depart from the course pursued by his predecessor, but, on the contrary, to carry out the "hard money" system into all the relations of the Federal Treasury. He was very unwilling to yield on the other point, but, finding by the general suspension of specie payments, that the time was most critical, on the 15th of May he issued a proclamation calling Congress together on the first Monday of the following September, on account of "great and weighty matters claiming their consideration;" the interval sufficiently showing how little he appreciated the urgency of the condition of the country, in comparison with his anti-bank and anti-paper-money theories.

As soon as the suspension of specie payments was universally resorted to, the Secretary of the Treasury issued orders to the collectors of the revenue of the United States, to receive nothing but specie, or paper actually convertible into specie on demand, in payment of the revenue bonds given by traders in the course of business. At first this greatly increased the difficulties and anxiety of the mercantile classes, but eventually it operated as a kind of relief, by affording them an excuse for withholding payment for a while; the government could not insist upon punctuality, nor resort to any cogent measures for enforcing payment, in the position of the monetary affairs of the country at that time. And it is said that not more than five per cent. of this money was paid to the collectors at the time it became due; so that "in point of fact the importers must be considered to have received accommodation from the Treasury, by the amount of this difference.

This delay in the payment of the revenue was, however, calculated very

seriously to embarrass the government in its turn, which would still further have endangered the nation. The secretary, therefore, very naturally looked to the surplus yet remaining, which (according to the Act of the previous Congress) was to be distributed amongst the states in the ensuing October. If Congress would consent to the diversion of this from its original destination—and it might rightly do so, because the sums distributed were called deposits, and might legally be immediately recalled—the difficulty could be easily surmounted; and in the full anticipation of its consent, as the money itself could not prudently be taken from the local banks which held it, Treasury notes were issued to circulate until this fund should be available.

By the Bank party these troubles were, of course, referred to the proceedings of General Jackson, and were pointed to as proof of the financial errors of his administration. There can be little doubt that the greatest amount of the blame does belong to him and to his advisers, but the accusation now only rallied the Jackson men round the memory of their chief and in support of his successor. About the end of May many meetings were held to express this feeling; and commercial men of the party not only energetically declared their unshaken confidence in Van Buren, but approved his avowal of “uncompromising hostility to the Bank of the United States;” and resolved that the existing distress arose, “not from the refusal to re-charter the United States’ Bank—not from the removal of the deposits—not from the issue of the ‘Specie Circular,’ but from a wild and unrestrained spirit of speculation and overtrading, encouraged and assisted by banking facilities, offered to the few, to the injury of the many.” For they did not perceive that this very “speculation,” and these “banking facilities,” had grown out of Jackson’s triumphant anti-bank warfare.

On the 4th of September, the twenty-fifth Congress met for its first, or extra session; and people watched with no little anxiety the issue of the first trial of strength in the election of a Speaker. The candidate of the administration party, James K. Polk, was elected by a majority of a hundred and sixteen votes against a hundred and three received by John Bell. Five votes were “scattered” and so lost. This gave hopes to the opposition, as it showed a considerable diminution in the strength of Jackson’s men in the House; but this was greater in appearance than in reality, for it had arisen in good part from the votes of a small number of representatives, who, though agreeing in the main with Van Buren, “were favourable to banking institutions, and the preservation of the credit system, as applied to the transactions of the business community.”

This small party, as the policy of the administration was more clearly disclosed, and proved to be only supplemental to that of the foregoing administration, and to be based upon the highly erroneous impression, that the prosecution of Jackson’s hostility to the Bank was the essential task of the government, compared with which, the well-being of the nation was of small account; as these members of the Democratic party gradually perceived this, they separated themselves more and more from the administration, and at last organised themselves as an independent opposition party, under the title “Conservatives;” in which character they exercised considerable influence in the



elections in some parts of the country. But eventually, being unable, owing to their want of numerical strength, and the absence of any clearly marked distinction between themselves and the Whigs on one side, and the administration on the other, to maintain their original position, the greater number of them joined the Whig party and went into complete opposition.

In his Message, the President spoke of the financial condition of the country exclusively, but he held out no hopes of relief for its embarrassments through the action of the legislature. The distress he ascribed mainly to over-trading speculation, fostered and stimulated by the banks; and laid more stress than his own belief could have justified upon the effects of a great fire at New York, in accounting for the troubles of the commercial class. "The doctrine was advanced in the Message, that all the government could do, or designed to do, was to take care of itself; and that it could not be expected to legislate with reference to the monetary concerns of the people." And this, it must be confessed, after all that the government had actually done in the way of legislative interference with the monetary concerns of the people—for what else was Jackson's Bank war?—seems rather hard.

His recommendations were for the most part general: Congress should regulate the safe keeping and disbursement of the public moneys,—should prescribe the terms of indulgence, and the mode of settlement to be adopted, both in collecting from individuals the revenue that had accrued, and in withdrawing it from former depositories,—and should devise measures for reviving the enterprise and prosperity of the country. His views of the Bank question, he declared, were unchanged; but, although he did not say so, he showed that his opinions on the system of depositing the public money in the state banks were very different from those of his party generally, under Jackson's administration. The most important recommendation, however, was, that the government should for the future keep its money in its own hands, by the instrumentality of the scheme of a Sub-Treasury, or, as it was called by its supporters, the Independent Treasury; so that there should be an entire and total separation of the business and funds of the government from those of the banks.

As soon as business was opened, a second trial of strength was held on the appointment of printer to Congress. On this the votes were so much scattered, that none of the candidates at first obtained the absolute majority required by law. But after repeated ballotings, the candidate put forward by the "Conservatives" was found to have received the necessary number of votes. This for the time greatly enhanced the influence of the "Conservatives," who, being only about twenty in number, could not in ordinary circumstances effect more than the obstruction of business they were opposed to.

The finance committee of the Senate presented four bills in their house—one for suspending the payment of the fourth instalment of the surplus revenue to the states; a second for authorising the issue of Treasury notes equal to any deficiency which might be felt in the Treasury, with an addition of 4,000,000 dollars by way of reserve; another for the extension of the indulgence in the payment of revenue bonds; and a fourth for the organisation of the Sub-Treasury system.

Great excitement both in the country and in Congress arose out of the last proposal. The entire opposition, and even the political adherents of the President, who were interested in or in favour of banks, looked upon it as an attack upon the credit system, and predicted, as the inevitable consequence of the adoption of the scheme, the destruction of all banks,—the disappearance of every circulating medium except metallic money, which (they correctly enough said) could not be sufficient for the uses of the trading and manufacturing classes of the commonwealth,—and a ruinous reduction of prices. The scheme was resisted by Henry Clay as neither desirable nor practicable, neither constitutional nor just, as contrary to the habits of the people and inimical to their liberties. He alone suggested the establishment of a national bank again; the fears of the other leaders to endanger their position at the next presidential election, inducing them to withhold their support as if they distrusted their own convictions. The bill therefore passed the Senate by a majority of twenty-six against twenty. But it was lost in the House by the combined votes of the Whigs and Conservatives after a hot debate, a hundred and twenty voting that it should be laid on the table, against a hundred and seven negatives. The defection of the “Conservatives,” or “Talmadge and Rives party,” had thus reversed the balance of parties amongst the Representatives, and placed the administration in a minority. The government had made great efforts to carry this bill, and though it was certain to be brought forward again, the rejection of it now was hailed as a triumph by the opposition.

The first of the four bills introduced by the finance committee passed the House of Representatives, but with an important amendment. Originally it postponed the payment of that fourth instalment of surplus, “until further provision were made by law;” but the representatives substituted “the 1st of January, 1839,” instead of that indefinite expression. Webster could only offer an ineffectual opposition to this bill in the Senate.

With respect to the Treasury-note Bill, after it had been vainly resisted by Calhoun in the Senate, a new question arose—should the notes bear interest or not? A vote of one hundred and twenty-seven carried this in the affirmative, against ninety-eight; and it was left to the Secretary of the Treasury to fix the rate, provided it did not exceed six per cent. The issue of ten millions Treasury notes was authorised in the end, and the Secretary allowed two per cent. on them.

Other matters, such as the currency, a bankrupt law, &c., were debated now; but the session answered the expectations neither of the government nor of the people. Whilst they who hoped that, in consequence of the embarrassments, the establishment of a national bank might be entertained were discouraged by resolutions passed in both Houses, to the effect that it was inexpedient to charter a Bank of the United States. And on the 16th of October the extra session closed; and Congress adjourned to the beginning of December.

In the interim, the state elections showed how deeply the panic had affected the strength of the democratic party. Had Van Buren summoned Congress to that extra session at an earlier date, we entertain no doubt that he would not have had a coalised opposition in the House that outnumbered his own supporters; and had he shown any disposition to adopt measures of relief for the



public, instead of limiting his concern to the share of the general distress experienced by the government, his cause might yet have rallied and recovered itself. But conjoined with the fact of the panic occurring under his rule, the determination he avowed and evinced to abide by the Jackson bank-policy, and even to carry it to lengths, short of which Jackson stopped, rendered the growth of the power of the opposition certain, and the extension of his term of office, when the next election should come, impossible.

When Congress reassembled, on December the 4th, the President was able to give a more satisfactory account of the state of affairs. The balance in the Treasury at the commencement of 1837 he stated to be nearly 46,000,000 dollars, and the receipts of the year, inclusive of Treasury notes, 23,500,000, making a total of nearly 69,500,000 dollars. Of this more than 35,250,000 would be expended on appropriations made by Congress; so that the "nominal" balance in the Treasury, at the end of the year, would be somewhat less than 34,500,000 dollars; but owing to the fact that some of this had been deposited with the states, and other portions had not been recovered from the local banks, little more than 1,000,000 of this amount was available. Consequently, he proposed to issue 4,500,000 Treasury notes; and such, he said, was the improvement in the outlook of affairs, that he anticipated the redemption within the current year of all the Treasury notes that had been issued; whilst, without resorting to loans or increased taxes, the resources of the year 1838 would, as he expected, prove amply sufficient to meet all the charges of the year.

The Message discussed the means of keeping the public money safely; and of course decided in favour of the Sub-Treasury scheme; but at the same time disavowing any intention of hostility towards the state banks, which, when "properly established and conducted," were pronounced "highly useful to the business of the country." Van Buren could not withstand the temptation to show himself a Jackson in little, by girding at the United States' Bank, and hounding Congress on against it once more. The unhappy establishment, that did not at once sink to nothingness when the light of the President's countenance was withdrawn from it! According to its charter, it had, two years after its ceasing to be the National Bank, to wind up its affairs, and therefore it ought to disappear at the furthest at the beginning of the next ensuing March. But it had converted itself into a state bank, and was now not at all in a dying humour. This is represented by the President as "a fit subject for inquiry;" the interference with state-rights involved in such a questioning of the right of Pennsylvania to grant a charter to this institution, being forgotten or not cared for.

The disposal of the public lands was handled at great length; the defence of the frontiers, the military academy, and the manufacture of cannon and small arms; the removal of the Indians; the navy and the coast survey; the post-office; and the desirableness of exacting bonds from all public servants, in army, navy, or civil service, "intrusted with the receipt or payment of public money, and whose term of service was either unlimited, or for a longer time than four years;"—occupied the remainder of the Message.

The President's suggestion of some further action against the United States' Bank was entertained and debated in the Senate; and so was a measure obliquely aimed at the system of making deposits in the local banks, although that had

been, up to the time of the suspension of specie payments, the favoured scheme of the dominant party. The establishment of a national bank was suggested, but not so as to bring on a debate concerning it. And the following resolution respecting the "Specie Circular" passed the Senate by a vote of thirty-four to nine, and the other House, by a hundred and fifty-one to twenty-seven:—"Resolved, that it shall not be lawful for the Secretary of the Treasury to make, or continue in force, any general order which shall create any difference between the different branches of revenue, as to the money or medium of payment in which debts or dues accruing to the United States may be paid."

Notwithstanding the President's boast that only 4,500,000 of Treasury notes would be required, it was found needful to issue, or rather re-issue, the full amount of 10,000,000, which a supplementary Message recommended and asked. The opposition would sanction this measure only after having annexed restrictions, limiting the time the notes were to run, and prohibiting the issue of them when once returned to the Treasury. This was found necessary in consequence of "the defalcation of the State-debtors during the past year," a surplus of revenue, amounting to 28,000,000 dollars, being at the same time locked up in the State deposits.

Other measures, we observe, were passed at this time, for the purpose of making certain internal improvements, some new, others only in continuation of what had been carried on in previous years;—for printing the papers (or selections from them) of ex-President Madison, and for granting the right of pre-emption to actual settlers, or squatters, on the public lands. And on the 9th of July, 1838, the session was closed.

Late in the preceding November a convention of delegates from the principal banks of eighteen in the states met at New York, to consider the propriety and possibility of fixing a time for resuming specie payments; but it was compelled to adjourn without coming to the desired conclusion. Having re-assembled in the following April, it recommended the resumption on the first Monday in January, 1839, but "without precluding an earlier resumption on the part of such banks as might find it necessary, or deem it proper." The banks of New York were authorised by a state law to suspend specie payments for a year from May the 16th, 1837, and they, we learn, in accordance with that law, resumed on May the 16th, 1838.

The elections which occurred during the recess of Congress, and other registers of the state of the political atmosphere, showed very plainly a yet further decline in the strength of Van Buren's party. The influence of the state banks, which had all been exerted in his favour, was now turned against him; and the establishment of the Sub-Treasury seemed too remote to be of any avail as a check to their hostility. Yet it must not be supposed that he or his friends were blind to these things. Three days before Congress rose "the Republican Members" issued an Address, in the course of which they stated, that the number of the state banks and branches at that time was eight hundred and twenty-nine, which were carried on by an aggregate of above eight thousand officers. The holders of stock in these banks, they said, were about three hundred and twenty thousand; and of debtors, about six hundred and fifty thousand. The amount of loans to these debtors and others, it reckoned at



above 485,000,000 dollars. If then, it proceeded, a national bank (which was yet feared by some) were established, this million of persons and 500,000,000 dollars would be concentrated into one corporation. All the lesser banks would act in subserviency to "the monarch of the great bank credit system, on whom the inexorable laws of credit and trade would confer the power to crush or caress them according to his uncontrollable will." And to carry the matter one step further, we may explain, that this million of persons and 500,000,000 dollars, might be gained in support of "the government," if only the Independent Treasury scheme could be carried then!

The twenty-fifth Congress met for its short concluding session on the 3rd of December; and the Message, after noticing the circumstance that the year 1838 closed "the first half-century of our Federal institutions," and entering largely into the external relations of the government, announced to Congress the thriving condition of the national finances. The receipts for the year were calculated at above 20,500,000 dollars, not including Treasury notes, nor 2,250,000 arising from "the sale of one of the bonds of the Bank of the United States." The total of expenditure, including the redemption of 8,000,000 of Treasury notes, was reckoned at 40,000,000; so that there was expected to be in the Treasury, at the end of the year, a balance of more than 2,750,000 dollars. But 8,000,000 of Treasury notes, including interest and principal, remained to be redeemed, and would need to be provided for in the coming year.

The President did not fail to take credit to the government for doing what "its power and means permitted" to alleviate the distress which was spoken of as having passed away; although when it was at its height, he had announced the resolution to endeavour to secure only the interests of the government, and had read a very sound homily both to Congress and the nation, against relying on government to do anything at all. Into the disquisition on the Bank question and the currency, which followed at large, we cannot enter; we only note its occurrence, and the announcement of a most elaborate embezzlement of the public money by the collector at one of the principal ports, carried on year after year in a most systematic and remarkable manner, and to a vast amount. He defended the proceedings of the government with regard to the Indians; and treated of every other branch of public business in a manner suited to its importance and to the exigencies of the moment.

Most of the business transacted at this session comes under categories which we refer to the succeeding chapters; but we have to record the passage of a string of resolutions intended to suppress the introduction of the slavery question into Congress, and the adoption of which necessitated a prolonged and exacerbated discussion on the forbidden topic; and the abolition of imprisonment for debt in certain cases. The discussion of a scheme for graduating the prices of public lands, gave Webster and Calhoun and Benton an opportunity of distinguishing themselves; and Benton's proposal to abolish the salt tax and the fishing bounties, called up the South Carolinian for a speech which embraced all his own recent political movements, and those of the late administrations and the Union besides. And on the 3rd of March, 1839, this Congress expired.

Canvassing for the presidency and the Bank, with a new panic, occupied the interval that elapsed before the next Congress met. The last two subjects only will require mention. So astonishingly had the Bank, when converted into a local institution merely, rallied, that in August, 1838, its shares had risen to twenty-three per cent. premium! And although public suspicion was awakened against banks generally, there was to a greater extent even an appearance of growing prosperity in the country. On the 29th of March it was suddenly announced that Nicholas Biddle had resigned the presidency of the United States' Bank which he had held so long; and, according to his letter of resignation, the establishment was in the highest state of prosperity, and at the same time quietly pursuing its appropriate business.

This prosperity was essentially delusive. The management of the Bank, it appears, had not been conducted upon any sounder principles after its unsuccessful opposition to General Jackson than before; nor had it, any more than in former years, set an example of the safe method of carrying on banking operations to the other banks of the Union. "The loans of the United States' Bank," says one competent witness, "were principally made in those sections of the country where it is difficult to find securities upon which a bank with an immense capital can lend with safety." "The primary and operating causes of the mistakes, misdemeanours, misfortunes, losses, and the final destruction of that establishment," continues the same writer, "may all be traced to a violation of those sound, prudent, and honest principles of banking, currency, and credit, through almost every stage of its existence, which ought to have governed the feelings, opinions, and conduct of its administrators." These considerations, however, do not lessen the blame which belongs to the administration for its proceedings; since they were taken quite irrespectively of mismanagement on the part of the Bank; and had all the incompleteness, and were pushed on with all the pertinacity, that always characterise the measures of men with one idea.

In August of this year, 1839, the Bank was "compelled to issue post notes, which soon fell to a discount of more than one per cent. a month. In September it drew largely on Europe, without funds, and partly without advices. In order if possible to provide funds for that object, and also, as has been acknowledged, for the purpose of breaking the banks of New York, payment of the bills thus sold in that city was suddenly required in specie, and the amount shipped to Europe. The attempt was a failure in both respects—the banks stood, and the bills were dishonoured." Thus Mr. Gallatin, when reviewing the disasters of this time of embarrassment.

On the 9th of October the United States' Bank of Pennsylvania (as it was now styled) suspended payments in specie; and the example was soon followed by most of the banks south and west of the state of New York, and by those of Rhode Island. Gallatin, though not denying that the operations of the United States' Bank were more influential in producing this suspension than those of the other local banks, does not exonerate them from all share of blame. "There was," he alleges, "a universal disregard of all considerations of prudence on the part of the managers of banks, as regarded the safety and interests of the shareholders, and of the public as recipients and holders of



their issues, and of the business community generally as interested in having the circulating medium of the country maintained in that stable and sound condition so essential to their prosperity."

It was amid the alarm and distress occasioned by this new panic, that the twenty-sixth Congress met for its first session. The election of a Speaker consumed several days; but at the eleventh ballot, Robert M. T. Hunter, of Virginia (a Whig, but a favourer of the Sub-Treasury scheme), was chosen by a majority of a hundred and nineteen over a hundred and thirteen: some of Van Buren's supporters having gone over to the side of the opposition. But not till the 21st of December was the organisation of the House fully completed; nor was the Message received till the 24th.

The Message was necessarily, in great part, taken up with the financial aspect of the country. It was a tale which it required some adroitness to render at all endurable, for the liabilities of the government had outgrown its revenue, and the Treasury notes alone kept the affairs of the nation from embarrassment. The subject of losses to the Treasury occasioned by the defaults of public officers and agents, was handled briefly, for Congress had ordered inquiries to be made respecting them; and it appeared that the greatest losses were inflicted by the breaking of banks, and the depreciation of their paper; the next by disbursing officers; the next by duty bonds; and the least by collectors and receivers. It entered largely into the causes of the recent suspension, with a view to push the Sub-Treasury scheme into execution. Here is the moral of the whole story of the United States' Bank; told, be it observed, not of it, but of banks generally, and involving no slight censure of Jackson's doings, and of the writer's alike:—

"Seldom is any bank, under the existing system and practice, able to meet on demand all its liabilities for deposits and notes in circulation. It maintains specie payments, and transacts a profitable business, only by the confidence of the public in its solvency; and whenever this is destroyed, the demands of its depositors and note-holders—pressed more rapidly than it can make collections from its debtors—force it to stop payment."

Precisely so it was, that the "confidence of the public in the solvency" of the United States' Bank having been destroyed by Jackson's attacks, that institution, in spite of all its struggles to maintain itself by regaining that confidence, fell. It undoubtedly did not endeavour to do this in the wisest way, for it thought a charter the only means of rehabilitating itself in its former position of credit and influence; whereas it was a far more cautious and enlightened mode of conducting its affairs than it, or any other bank in the United States, had ever pursued. But Van Buren ought to have known better than to utter such a platitude as that about few banks, under the existing system, being able to meet all their liabilities on demand. No bank could do so under any system; and if it could, the wonder would be that the depositors had not hidden their coin in some hole or cranny, where they might watch it themselves, and not risk it by confiding the secret to another. He must have known that he was merely saying that few banks could discharge their liabilities twice over, for notes are, in fact, the acknowledgment given by the bank to the public for the money deposited with it, which it is its function so prudently to

employ, as to be able not only to reap profits for itself, but to impart a share to its depositors over and above all the other incidental advantages, which we cannot now specify. And by this means banks, when rightly conducted, benefit communities by increasing the circulating medium, which, so long as it maintains its par value, is an actual increase of the money-wealth and the wealth-creating power of a country. A man who can make one dollar do the work of two for the service of the public, must be a general benefactor—and (we may add) surely deserves half a dollar as a reward for his skill.

The President, in this paragraph, justifies all that Webster and Clay alleged of his hostility to banks universally, and shows that his preference of “hard money” was nothing more than the re-action of an imperfectly informed person, from the injurious and dishonest paper-money system of the American banks; not the conclusion arrived at by a man of extensive acquaintance with facts and sound financial principles. And it was such a man that the United States wanted then, and has wanted many a time since. It takes a long time, and costs a people dearly, to work out empirically the problems in currency and finance, which must be solved in some not absolutely intolerable manner, if it is to rise above the savagery of mere barter. And America, having at her command all the already accumulated experience of Europe, ought not to have done herself the wrong of supposing it needful for her to start *ab initio*, as if nothing had been done in fiscal and monetary matters till she was set to feel out a way through these mists and bogs, that the human race might attain cruminal blessedness.

One principal object urged against “the credit system” in this Message is, that it subjects the whole of the United States to “the money-power in Great Britain,” London being the centre of that system. And, as a logical inference from this, come the inquiries—“Is an argument required beyond the exposition of these facts, to show the impropriety of using our banking institutions as depositories of the public money? Can we venture not only to encounter the risk of their individual or mutual management, but at the same time to place our foreign and domestic policy entirely under the control of a foreign moneyed interest?” This calls for no comment. The best counsel in the whole of the document is the following; and it would have been well for the states had it been closely adhered to:—

“Let it be indelibly engraven on our minds that relief is not to be found in expedients. Indebtedness cannot be lessened by borrowing more money, or by changing the form of the debt. The balance of trade is not to be turned in our favour by creating new demands upon us abroad. Our currency cannot be improved by the creation of new banks, or more issues from those which now exist. Although these devices sometimes appear to give temporary relief, they almost invariably aggravate the evil in the end. It is only by retrenchment and reform, by curtailing public and private expenditures, by paying our debts, and by reforming our banking system, that we are to expect effectual relief, security for the future, and an enduring prosperity.”

A bankruptcy law was introduced by Webster, and carried through the Senate, but it was laid upon the table of the other House by a majority of a hundred and one over eighty-nine. The gradation of prices for public lands was again



attempted in vain. An issue of 5,000,000 more Treasury notes was authorised, and on the 21st of July Congress adjourned.

Several changes in the cabinet had been made, which it will be convenient to note. In 1838 James K. Paulding was made Secretary of the Navy in the place of Dickerson, who resigned in the same year; Felix Grundy received the Attorney-generalship, which had been relinquished by Butler; and in the following year, on Grundy's resignation, Henry D. Gilpin was appointed. Amos Kendall, in this year, 1840, gave up the Post Office, and John M. Niles received it. Here, too, we may intimate, in passing, that the public debt, which was *nil* at Van Buren's accession, and in 1839 exceeded 11,000,000 dollars, was reduced nearly to 4,000,000 during this year.

Free presidential elections were the occasions of so much excitement as that now proceeding. Ever since the year 1801 the supremacy of the Union had been held by the democratic party, who had gradually absorbed the rival party, and then, as is the law of such entities, had split up into two antagonist sections, one of which was the representative of the old Federalist party, which now seemed on the point of regaining power. The state elections of this year, 1840, almost all augured well for the Whigs, but some fears were entertained lest the personal adherents of Henry Clay should throw the victory into the hands of their opponents by refusing to accept the nominees of the Harrisburg Convention. Early in May some fifteen or twenty thousand delegates from every state of the Union held at Baltimore a convention of "Whig young men," for the purpose of promoting the return of Harrison and Tyler. Of it let this fact stand as record: while the procession was moving through the streets of the city a member from Baltimore, one of the marshals of the day, was murdered: and a fund was raised, by subscription, for the relief of his wife and children. "Its proceedings," says one, "were characterised by a profound, heart-rousing enthusiasm, then almost unknown in political assemblies."

Next day, the 5th of May, the National Democratic Convention met at the same city, two hundred and fifty strong, sent by twenty-one states, which agreed upon the nomination of Van Buren as President, but left each state to name its own candidate for the lower office.

"Town, county, and state conventions," says a biographer of Henry Clay, with the highest exultation, "were held almost daily until the time of election. The most abstruse questions of national policy were discussed before the people, by the ablest and most eminent politicians in the country. Investigation was made into every department of the administration; abuses and corruptions in all branches of the government were exposed and denounced in speeches, political pamphlets, and by the periodical press throughout the Union. And an enthusiasm was aroused, pervading the whole length and breadth of the land and stimulating every class of her citizens, never before equalled but by a national uprising to repel the military invasion of a foreign foe."

"Men who before had taken but slight concern in the strife of political parties, and who had carefully shunned its turmoil;—old men, who would far more cheerfully yield to brief oppression than vex with unquiet din their peaceful and declining years,—found themselves struggling, side by side with the youthful and aspiring, for the triumph of those principles to which both were devoted,

and in the disregard of which they saw danger and portended ruin to the land. Conventions numbering from ten to forty thousand persons were of frequent occurrence; some of the ablest political essays ever written in the country were printed and scattered throughout the whole Union; and men who before had scarcely thought seriously of political principles, sat down to a close examination, in the light of reason and experience, of the most intricate yet vitally important questions of the currency, banking, and general political economy."

"The result of a political contest conducted on such principles, and with such enthusiasm, could scarcely be doubted," says our ardent informant. Accordingly Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Georgia, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Michigan, and Indiana gave their votes, two hundred and thirty-four in all, in favour of General Harrison; whilst Van Buren received only those of New Hampshire, Virginia, South Carolina, Alabama, Illinois, Missouri, and Arkansas,—only sixty votes in all. John Tyler received the same votes as Harrison; Colonel Johnson received those given to Van Buren, with the exception of one from Virginia bestowed upon Polk, and the eleven of South Carolina given to Tazewell, consequently he had but forty-eight. General William H. Harrison and John Tyler were thus elected President and Vice-President of the United States.

A third party had been organised on the ground of the abolition of slavery, and had nominated James G. Birney, of Michigan, as its candidate; but no votes were recorded in his favour.

The total popular vote in favour of Harrison was one million two hundred and seventy-four thousand seven hundred and eighty-three; whilst that for Van Buren was only a hundred and forty-six thousand and eighty-one less. This fact not only justifies General Jackson for his continual recommendations to Congress to amend the constitutional method of electing the executive officers of the Union, but very considerably lessens the magnitude of the Whig triumph.

Congress met again on the 7th of December; but an extraordinary snow-storm in the middle states so greatly interrupted the communications, that not till two days afterwards could a quorum be formed. The Message entered largely into the financial condition of the country. The amount of Treasury notes outstanding was said to be 4,500,000 dollars, and the deposits of the States exceeded that sum by 23,000,000. The expenditures of the year were estimated at about 22,500,000 dollars. A new objection to a national debt was started,—“the certain tendency of public securities to concentrate ultimately in the coffers of foreign stockholders.” “The pretence which this relation affords to foreigners to scrutinise the management of our domestic affairs, if not actually to intermeddle with them, presents a subject for earnest attention, not to say of serious alarm.” This document further recommended Congress to adopt measures against the African slave-trade.

Little business was transacted with any tangible result in this session. The prospective change in the dynasty paralysed the legislature. Another issue of Treasury notes was authorised; various appropriations were made; and many schemes, which had already been well ventilated in Congress, were debated anew. The matter of most interest, especially for the promise it gave of what



might be done under the next administration, was a resolution proposed by Henry Clay, for the repeal of the Sub-Treasury law. Clay did not expect to carry this resolution now, but introduced it for the purpose of testing the disposition of the President and his adherents to conform to the expression of public opinion in the election of General Harrison.

Perhaps we ought rather to have designated the discussions on the report of the Secretary of the Treasury the most interesting; because they disclosed the final proof of the break-down of Jackson's "Reform and Retrenchment" policy. The wholesale removals of public officers, without the appointment of abler and more trustworthy men; the violent wresting the constitution in respect of some matters, and the slavish obedience to its letter in respect of others; the whole of the great Bank controversy, ending with the panics; the suspension of specie payments, and the commencement of a national debt by the very party that had claimed the sole credit of having discharged the old debt; these things had fully shown the nature of Jacksonian reform. And as for the retrenchment, let these facts speak:—

Under the administration of John Quincy Adams the total of expenditures was less than 96,000,000 dollars,—that is, less than 24,000,000 a year; which includes the payment of above 45,000,000, or more than 11,000,000 dollars annually, on account of the public debt. The total under Jackson was a little over 210,000,000 or above 26,000,000 dollars yearly; and of this, there was paid in all only 65,500,000 on account of the public debt, or little more than 8,000,000 dollars a year! And under Van Buren, who carried on Jackson's policy as far as it could be carried, the total was more than 133,000,000, which was above 33,000,000 dollars a year; whereof above 20,000,000 was on account of the public debt (all contracted during these four years), which exceeded 5,000,000 dollars annually.

"I am looking at the facts in a financial view, purely," said Daniel Webster, when remarking on the Secretary's report, "and I say, that during the last four years the public expenditure has exceeded the public income at the rate of 7,000,000 dollars per annum."

And in arrest of the inevitable judgment, the administration could only plead that it had "large current expenditures,"—which we knew,—and that it expected the deposit banks to pay what they owed the government with greater regularity and less delay,—realising precisely what Major J. Downing had said, seven years before, when telling his inimitable story of the "hunt for the gineral's spectacles:—" "I'm afeard, gineral, we've got too many pockets for our money, and when we want it we shall all have to come to our shirts and boots before we find it!"

We might speak further of public agents multiplied, and of increased compensation given to some without any corresponding increase of duty or responsibility to justify it; of large sums lost by the defalcation of others, and by the failure of the deposit banks; all tending to show what a peculiar notion Jackson's party entertained of reform and retrenchment, and that it was impossible for the term of power to be extended any longer. But our readers will without difficulty deduce all these lessons, from what we have said, for themselves,—and lessons so obtained have greater weight and worth than any others.

The struggles of the United States' Bank were now apparently drawing to a close; and on the 15th January, 1841, specie payments were resumed, but on the 5th of the next month, "having paid out an amount little, if at all, short of 6,000,000 dollars, in coin or specie funds," it suspended these payments again. Other banks in Philadelphia, the banks of Baltimore, and others followed its example, but those of the New England states and of New York did not. An inquiry was, hereupon, made respecting its affairs with most unfavourable results.

Van Buren's presidency expired, together with the twenty-sixth Congress, on the 3rd of March, 1841. And now we proceed to a rapid sketch of the foreign relations of the Union under these two administrations.

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### CHAPTER III.

THE INDEPENDENCE OF TEXAS.—FILIBUSTERING IN THE NORTH, AND THE AFFAIR OF THE CAROLINE.—THE EXPLOING EXPEDITION.

WHEN the boundary between the United States and the Spanish province of Mexico was definitely settled, in 1819, Texas was but thinly populated by some aboriginal tribes and a few scattered settlers. In 1824 the federal constitution of Mexico was adopted, and Texas and Coahuila were united into a state. Foreigners being invited to the new domain by a special state-colonisation law, large numbers accepted the invitation, and speedily opened farms, founded towns and villages, and formed the nucleus of an enterprising and progressive population. Some of those Anglo-American settlers, however, who had been located in Texas before the year 1819, objected to the arrangement of the boundary (or to the *cession* as they called it) which left them subjects of Spain; and in 1825 they declared Texas independent—a movement which the government succeeded in suppressing. In 1827 the United States' government offered to purchase the country east and north of the Rio del Norte, but the authorities of Mexico rejected the proposal.

Mayer complains that "Mexico will not do justice, in any of her commentaries on the Texan war, to the motives of the colonists. Charging them with an original and long-meditated design to rob the republic of one of its most valuable provinces, she forgets entirely or glosses over the military acts of Santa Anna's army, in March, 1836, at the Alamo and Goliad, which converted resistance into revenge." But he himself omits to mention the political acts of the colonists which provoked the military intervention of Santa Anna. We may also refer to such writers as Monette and Benton, whose candid avowals justify the injustice he complains of.

The great increase of settlers from the United States, and particularly from the western region, together with the abortive attempt we have already noticed, to separate Texas from Mexico, so much alarmed the Mexican government, that in 1830 the further immigration of Americans into Coahuila and Texas was



completely prohibited, and military forts were established in every part of those provinces, to enforce this decree. "This," says Mayer, "suited neither the principles nor the tastes of the colonists, who in 1832 took up arms against the warlike interference with their municipal liberty."

In April, 1833, a convention assembled at San Felipe, Texas was declared independent, and a constitution was adopted. "We, the people of Texas" thus ran the preamble of this remarkable instrument, "being capable of figuring as a state, in the manner contemplated in the second article of the general congress of the nation, of the 7th of May, 1824; do ordain the following constitution, and do mutually agree with each other to form ourselves into a free and independent state of the Mexican confederacy, by the name of Texas." And amongst the provisions of this remarkable polity we find this one, whence certain inferences might be drawn:—"No bank, or banking institution, nor office of discount and deposits, nor other moneyed corporation, nor private banking establishment, shall exist during the continuance of this constitution." But of this constitution we hear no more.

Besides the insult of a military occupation, as the Texians (or rather the Anglo-American settlers in Texas) understood the measures of the central government, no small vexation was occasioned by the Mexican tariff, which imposed duties, of such an amount as to be in effect prohibitory, upon such articles as carpenters' tools, farming implements, furniture, hardware, clothing, books, medicines, &c., which were indispensable to the progress of agricultural prosperity and domestic comfort. And the government resolutely refused to listen to the petitions which prayed for the admission of these and similar articles free of duty for three years, during which time manufacturing establishments might be brought into operation—just as they refused to sanction the erection of Texas into a state separate from Coahuila.

In the summer of 1834 Santa Anna suddenly dispersed the Mexican congress, and made himself Dictator. Texas was amongst the first and the loudest to protest against this act; and General Cos was soon sent to repress this spirit of revolt, which he did after the fashion of Santa Anna himself, by driving away the members of the legislature and the judiciary from their halls and courts, and issuing an order for disarming the people. "Having remonstrated against the violation of the Federal constitution of 1824," says Monette, "they threw off the yoke of the Dictator, and established a provisional government, which, on the 7th of November, 1835, issued a manifesto," declaring that the cause of their resort to arms was the "defence of the republican principles of the Federal constitution of Mexico of 1824."

Yet it must not be forgotten that there was a ground of quarrel with Mexico which could not be very openly avowed,—the Mexican government had abolished slavery, and the majority of the American settlers in Texas were slaveholders, and they regarded themselves as injured and oppressed by the abolition of the traffic in men. Nor may it be concealed that the sympathy of the Southern states with the Texians, rendered so much the more active on account of their agreeing with them on the slave question, was displayed in a manner that, used against themselves, would have been pronounced piratical. Even before the revolt broke out, materials of all kinds for waging war had been forwarded to the

American settlers in Texas from New Orleans. In this very month of November, from that port a Mexican refugee sailed, with a force composed in part of Texians and in part of Americans, to make an attempt on Tampico. And as the struggle proceeded, by land and by sea, from Mobile and New Orleans, such assistance to the Texians was openly sent. And although the expeditions forwarded by sea did not achieve any memorable success, there was a moral injury inflicted on the Mexicans, which they could not but consider the government at Washington to be answerable for. Neither Jackson nor Van Buren offered the Texians any other help than that of winking at these proceedings in the South; and they are eulogised by Mayer in a fashion which seems to show that it was not easy for them to merit such praise, and which is positive blame for all, themselves included, who fitted out or allowed that assistance from New Orleans, and the other places on the Gulf of Mexico.

"These Presidents were scrupulous and faithful guardians of national honour, while they respected the Mexican right of re-conquest. Their natural sympathies were of course yielded to Texas, but their executive duties, the faith of treaties, and the sanctions of international law, forbade their acceding to the proposed union" with the United States.

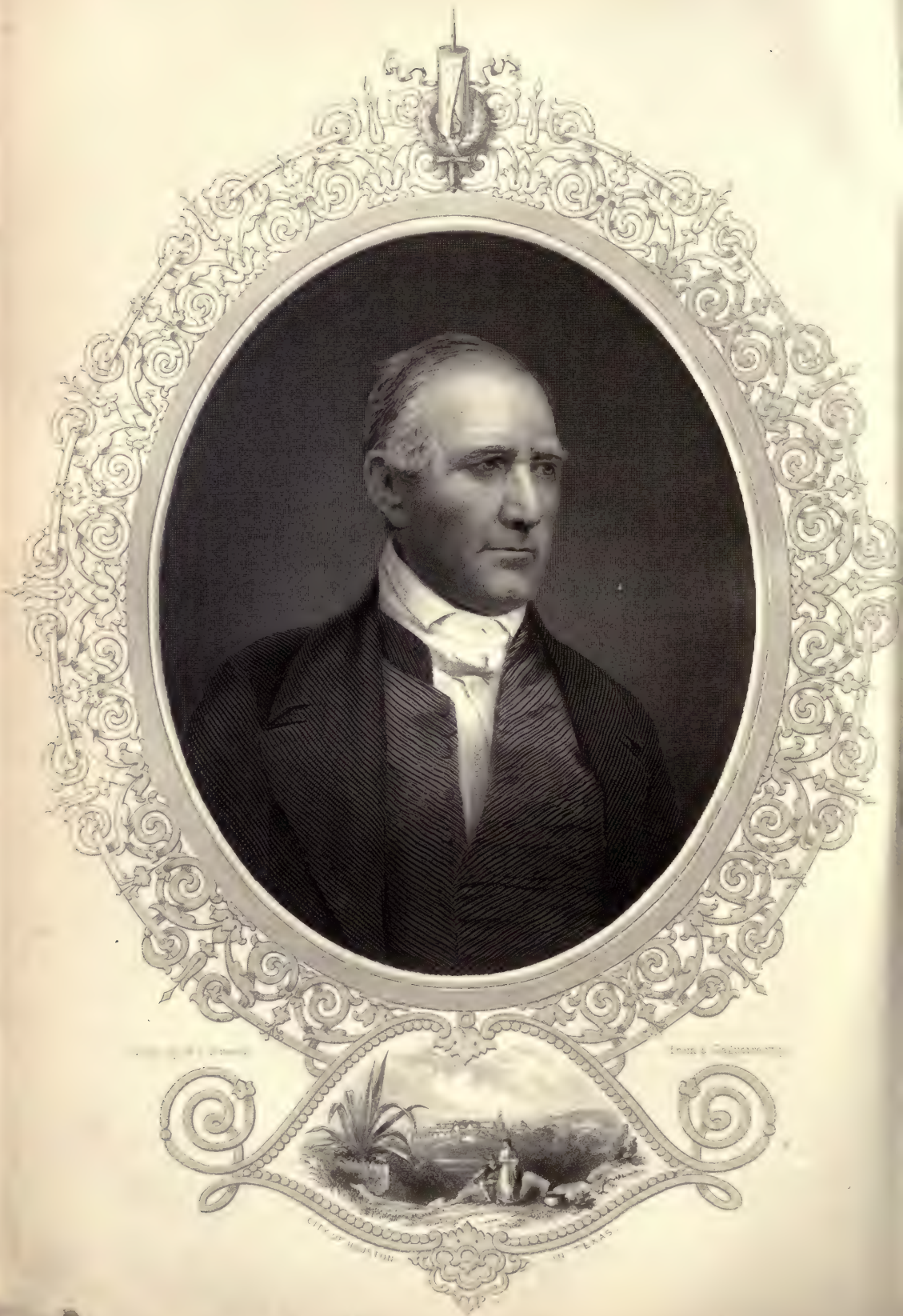
From the first outbreak of hostilities victory declared for the revolvers, and when General Cos was despatched against them he and his whole force were made prisoners of war. The officers were released with their arms and private property under parole, "not in any way to oppose the" establishment of the constitution of 1824. Notwithstanding which, most of them, including the general, accompanied Santa Anna, when, in the following March, he himself invaded Texas, for the purpose of compelling its submission.

In the latter part of December, 1835, about a hundred persons, assembled at Goliad, a second or third time declared Texas independent; but it was not until the appearance of the Dictator in the field against them that this declaration was finally made. In the month of March, 1836, forty-four delegates (of whom only three or four were Mexicans or natives of Texas) met at a place called Washington, and an independent republican government was established, David G. Burnet being chosen first President.

Santa Anna conducted the campaign in the most ferocious spirit, and completely justified all that the revolvers had done for the purpose of severing the connection of Texas with Mexico. At San Antonio above a hundred and fifty men of the garrison were butchered by the Mexicans; and amongst them two whose names will not soon be forgotten, Colonel David Crockett and Colonel James Bowie. And at Goliad, shortly after, above five hundred Texians, who had surrendered as prisoners of war, were put to death in the same barbarous manner. Near the San Jacinto, the Texian army, under General Samuel Houston, attacked Santa Anna in his fortified camp, on April the 21st, and completely routed him. According to the account given by the victors, their own force consisted of eight hundred men, of whom six were killed, and twenty-six wounded; while the Mexicans were nearly double their number, and had above six hundred killed, about two hundred wounded, and nearly seven hundred and fifty made prisoners. On the day after the battle the Dictator himself was captured, as he was endeavouring, in a wretched disguise, to make







CITY OF HOUSTON IN TEXAS

*James Houston*



his way back through the woods to Mexico. General Cos, also, found himself once more in the hands of the Texians.

The directions given by Santa Anna to the Mexican army, and the treaty he concluded with Texas, were disallowed by the Congress of Mexico and the president *ad interim* who had been chosen; and fresh determination seemed to animate the republic to recover the province which had inflicted such a disgrace upon its arms. But the poverty of the government could not support an army of four thousand men, which was collected at Matamoras; and, as if to show its supreme contempt for its former rulers, when the Mexican government authorised the admission of provisions at the port of Matamoras at reduced duties, during the Texian war, Texas declared the said port to be in a state of blockade, although not a plank was afloat under the flag of the Lone Star.

When the first Texian Congress under the constitution met, the chief question discussed (if such a word can be employed where all were agreed beforehand), was the desirableness of annexing the county to the United States; and new applications to the government at Washington were authorised. Land sales were resorted to, that some means of carrying on the government might be at hand; and the victor at San Jacinto was elected president—the first under the constitution.

Notwithstanding the neutrality avowed by the government of the United States, on the 4th of July in this same year, 1836, General Gaines, commander of the United States' army, crossed the Sabine, and established his head-quarters at Nacogdoches. Under colour of a treaty with Mexico respecting the maintenance of order on the boundary, he had been ordered to approach the line, and having (as Jackson himself had when he went out upon his "Seminole hunt") discretionary instructions to cross it, when he heard of the collection of an army at Matamoras, he found out that an Indian had murdered two white men, and taken refuge in Texas, and on that pretext advanced to Nacogdoches, as was said.

The Mexican minister at Washington was, at this very time, engaged in pressing the claims of his government to some different treatment in respect of Texas; and he was informed of these movements with an amount of diplomatic effrontery that would have done credit to a disciple of Talleyrand or Nesselrode. It was to no purpose that the Mexican minister for foreign affairs protested against the views of the American government, and against the sufferance of hostile levies and armaments destined for the support of the Texians, in the United States' territory; the revolvers were, one and all, citizens of the United States; they had a strong party in favour of them in the South; Jackson and his government and adherents could not, without a greater solecism than such men, in such a case, would ever be guilty of, disapprove of their proceedings: Mexico was a recently formed government; it was rent by the most frightful divisions; it was poor; it had no allies or friends amongst the only governments that could have afforded it any solid support—the European monarchies; and its cause was disgraced by the massacres at San Antonio and Goliad; and the only step possible—and it could lead to no serviceable result—was the departure of the ambassador from Washington.

Jackson's Message in December, 1836, speaks with well-affected surprise at

the departure of the minister ; but the government chose this very time to enforce certain claims which the United States had upon Mexico, and thus gave to Texas far more effectual assistance than the despatch of an army to co-operate with its riflemen against Urrea would have been.

As for Santa Anna, during his detention in Texas, he completely changed his opinions regarding Texian independence, and even wrote to Jackson, intimating his conviction that the question between Mexico and Texas had better be settled by negociation, and involving the interference of the United States with that object in view. But Jackson was too well aware of Santa Anna's position to commit himself to any dealings with him, or to act on his own suggestion. Nor did the defeated and converted Dictator succeed better, when, having been set at liberty by President Houston (to the intense disgust of such ardent patriots as General Green, of the Mier expedition), he made his way back to Mexico *by way of Washington*. "He became an object of great interest," but he went away without having accomplished his purpose.

The recognition of the independence of Texas by the United States was not, however, long delayed. In February, 1837, the committee of foreign relations, to which the consideration of the passage in the President's Message relating to Texas had been referred, reported two resolutions, one for the recognition of it as an independent state, and the other for the establishment of diplomatic relations with it. And they were accepted by Congress before Van Buren was inaugurated as President. But the popular feeling in behalf of this measure had now risen to such a height, that in the Senate Calhoun declared himself in favour of the immediate admission of Texas into the Union, notwithstanding his severely literal principles of interpreting the constitution on the powers of the general government. Benton, who always assumed the sponsorship of every movement of an ultra-democratic complexion, and the championship of every slave state measure, was rapt into the very sublime of oratory, although he regarded the independence of Texas as not yet established, and therefore to be recognised only provisionally and contingently.

After protesting against the "heartless calumny" that the war in Texas was "for the extension of slavery," and maintaining that the origin of the revolt was as sacred as that which issued in the establishment of the United States, and giving a sketch of it as it appeared from his point of view, our enthusiastic senator proceeded :—

"Just in its origin, valiant and humane in its conduct, sacred in its object, the Texian revolt has illustrated the Anglo-Saxon character, and given it new titles to the respect and admiration of the world. It shows that liberty, justice, valour,—moral, physical, and intellectual power,—discriminate that race wherever it goes. Let our America rejoice, let old England rejoice, that the Brassos and Colorado, new and strange names,—streams far beyond the western bank of the Father of Floods,—have felt the impress and witnessed the exploits of a people sprung from their loins, and carrying their language, laws, and customs, their *Magna Charta*, and its glorious privileges, into new regions and far distant climes.

"Of the individuals who have purchased lasting renown in this young war, it would be impossible in this place to speak in detail, and invidious to



discriminate; but there is one among them whose position forms an exception, and whose early association with myself justifies and claims the tribute of a particular notice ["from *me*," Benton would have said; for he did not mean that Houston's early association with him was the ground of the honour of "particular mention," he was thus conferring on him]. I speak of him whose romantic victory has given to the Jacinto [in a note to this word the self-reported orator thus trifles, "Hyacinth; hyacinthus; huakinthos; water-flower"] that immortality in grave and serious history, which the disks of Apollo had given to it in the fabulous pages of heathen mythology." And then he told how Houston was ensign in the regiment in which he himself was lieutenant-colonel; and sketched that "military miracle," the combat of San Jacinto, increasing the wonder, however, by making the slaughter, the rout, the triumph, including the capture of the defeated general, the work of "twenty minutes."

"A more fatal present," he said in conclusion, "could not be made than that of the future incorporation of the Texas of La Salle with the ancient empire of Montezuma. They could not live together, and extermination is not the genius of the age; and, besides, it is more easily talked of than done. Bloodshed only could be the fruit of their conjunction; and every drop of that blood would be the dragon's teeth sown upon the earth. No wise Mexican should wish to have this Trojan horse shut up within their walls."

Texas, at the beginning of the revolt, had a population of some twenty thousand; only three thousand being Mexicans, and the rest Indians, negroes, and American settlers. General Austin's colony alone numbered thirteen thousand. And these were spread over an area of above two hundred and thirty thousand square miles. The war must have checked the advance in this particular, though it could not counterbalance the joint effects of natural increase and immigration; and this number does undoubtedly seem remarkable when it is regarded as that of a state which has fought its way to independent sovereignty. In 1838 its inhabitants were estimated at sixty-five thousand, and in 1840 at a hundred thousand; so rapidly did emigrants pour into it, as soon as it was independent.

After the battle of San Jacinto no event of a stirring nature occurred during the period under consideration. The Texian government, with all the formality of a regularly constituted republic, appointed its diplomatic agents to Washington and London; Messages and Reports, with due intermixture of debates, and Southern fire, illustrated its legislative sessions; and it was no without that sure sign of a respectable polity—a public debt. And on the 16th of November, 1840, a commercial treaty was concluded with Great Britain, and signed at London; by which the independence of the young state was recognised, and a perfect reciprocity of commercial advantages established. "It was hoped," says the chronicler, "that this would tend to bring about a reconciliation between Mexico and Texas, and cause a settlement of the boundaries of the last-mentioned republic, in which the former would acquiesce." And perhaps, too, it was not unnatural for Great Britain to consider the subdivision of the Transatlantic republics rather desirable than not, for her cause of constitutional monarchy; or might it not be the fact, that she thought

it possible, by assisting in the erection of Texas into an independent state, to prevent its absorption into the Union?

Mexico, naturally enough, could derive little comfort from the ease with which both America and England consented to her dismemberment; and the dispute with the former government necessarily contracted greater acerbity. Amongst the earliest incidents of Van Buren's presidency we read of the capture of a Mexican brig of war, by the United States sloop of war, *Natchez*, by way of enforcing a formal demand upon the Mexican authorities for the release and surrender of six American vessels, captured by Mexicans. But diplomatic relations were soon resumed between the two countries, although no conclusion could be reached on the question of compensation for the claims put forward by the American government.

Foreign affairs under the administration of Van Buren proceeded in the same track as under his predecessor. The most difficult problems had been solved by Jackson's energy and determination, and as the spirit of the new democratic party towards Great Britain was friendly, the most fruitful source of external disquiet was stopped. It was a happy circumstance for both countries that the President's chair was occupied at this time by one whose policy towards the parent country was not animated by the suspicion and jealousy which the old Democrats and the founders of the Whig party had cherished; for the troubles that now occurred in Canada could not then have failed to lead to war, with evil results that no human mind can measure.

We have so frequently had occasion to speak of filibustering expeditions prepared in the southern states, and directed against the Spanish provinces, or the Mexicans in Texas, that this form of lawlessness must have appeared the special growth of that portion of the country. But in fact it was the weakness of the Spanish authorities that developed it there; and as soon as the British authorities in the provinces north of the United States seemed, by a rebellion, to be so much shaken as to be unable to repel filibustering attacks, from all quarters there assembled, on the northern frontier of the States, adventurers of the same kind as had harassed the Floridas, declared Texas a republic, and rivalled the old buccaneers of the Spanish main in their own waters. And it will not surprise us that such should be found in the respectable and orderly regions of the North, if we recollect the carrying off of Morgan, the relapsed Freemason; and the prejudice against the legal administration of justice, and contempt for constituted authorities, exhibited too often even in that portion of the country.

When the troubles in Canada began, and were discussed in the British parliament, John A. Roebuck, who was in favour of the "Patriot" party, threatened the government with the active sympathy of the United States. "In America," he said, "you will be held up as the oppressors of mankind, and millions will daily pray for your signal and immediate defeat. The fatal moment will at length arrive. The standard of independence will be raised. Thousands of Americans will cross the frontier, and the history of Texas will tell the tale of the Canadian revolt." And it was well known that one of the traditions of the democratic party in the United States affirmed the inevitable necessity for the annexation of the Canadas, so that not only might filibustering



expeditions be expected, but they would give expression to the secret views of so large a proportion of the population of the Union, that no very strenuous efforts to suppress them could be anticipated, had the general government possessed ten times its strength, and been wielded by a man of Jackson's indomitable energy.

As soon as the projectors of this "private war" with Great Britain made their appearance on the St. Lawrence, and began to make preparations for affording armed "sympathy" to the Canadian rebels, the governors of New York and Vermont issued proclamations, "exhorting their citizens to refrain from any unlawful acts within the territory of the United States;" and the President directed certain "civil officers of the United States to visit the scenes of commotion, with a view of impressing the citizens with a proper sense of their duty." But the armament proceeded for all that; the filibusters carrying on their preparations in open day, and assuming that the authorities and resources of the States were both equally at their command: their activity being constantly stimulated by the presence of the fugitive rebel Mackenzie, and also by the knowledge that Papineau, who had commenced the revolt, was at New York, watching the progress of events in the province.

On the 13th of December, 1837, a party of the "sympathisers," under the command of an American named Van Rensselaer, took possession of Navy Island in the Niagara river, which they fortified as well as they could. Colonel M'Nab, with a body of militia, was immediately posted opposite to this island, with instructions to keep on the defensive, and to be especially careful not to violate the American territory. From their post the filibusters soon began to cannonade all that was within range on the Canadian shore, but without effecting much mischief. After this, finding that most of the supplies for the island were conveyed by a small steamer named the *Caroline*, from a landing place on the American side, called Fort Schlosser, M'Nab despatched some of his militia in boats to take or destroy her. This they accomplished in the middle of the night of the 29th and 30th of December, after a short but desperate struggle, in which they killed or drove out of the vessel all the crew, and, having set it on fire, let it drift down the rapids and over the Falls of Niagara.

The reports of this affair, which were spread with astonishing rapidity all over the Union before authentic information could be obtained, were intentionally exaggerated, in the hope of leading both the nation and the government to commit themselves in favour of the struggle against the British authorities in Canada. The mildest form of this rumour was contained in the President's Message to Congress about it, wherein it was designated "an outrage of a most aggravated character, accompanied by a hostile, though temporary, invasion of our territory." In other quarters the *Caroline* was represented as a peaceable, unarmed vessel, with women and children on board; and the attack as made in sheer brutality, the inoffensive and unresisting passengers being partly murdered and partly sent over the Falls in the burning ship. The "American Almanac," usually a very respectable authority, states that "of thirty-four Americans on board, twenty-two lost their lives; the boat was set on fire, towed into the current with a part of the men on board, and precipitated

down the Falls." These fictions (for there was *only one American citizen killed* in the attack, and, so far from being unarmed, they severely wounded some of the assailants) showed plainly enough that, as Van Buren's Message said, the affair had "produced the strongest feelings of resentment on the part of our citizens in the neighbourhood, and on the whole border line."

Forsyth, Secretary of State, writing to the British minister at Washington in the first moments of irritation, and before correct particulars had been obtained, called it "the destruction of the property, and the assassination of the citizens of the United States," and added, that "the President has deemed it necessary to order a sufficient force on the frontier to repel any attempt of a like character, and to make it known [to the envoy], that if it should occur, he could not be answerable for the effects on the neighbouring people of the United States." The President might, and the Secretary ought to, have remembered Jackson's campaign in Florida, and his capture of Pensacola, and General Gaines' occupation of Nacogdoches, before indulging in these covert menaces. These proceedings would then have appeared more consistent throughout, and they would not have had to change their tone altogether, and assume a very different attitude, when the facts of the destruction of the *Caroline* became known to them.

What the executive forgot, members of Congress recollected, and, in the debate by which the President's Message was followed, Rhett, a representative of South Carolina, and Menefee of Kentucky, maintained the common sense view of the affair with admirable temper and skill; and after some disagreement concerning the details, both Houses concurred in the passage of an Act for the preservation of the neutrality of the Union, which authorised the disarming and dispersion of such assemblages as those which had been collected on the northern borders.

Van Buren also—though tardily, and with an expression that made it nothing more than an *amende* to the British government for his mistaken patriotism about the *Caroline*—emitted a proclamation on the 5th of January, 1838, exhorting the filibusters to "return peaceably to their respective homes," and warning them "that any persons who should compromise the neutrality of this government, by interfering in an unlawful manner with affairs of the neighbouring British provinces, would render themselves liable to arrest and punishment under the laws of the United States, which would be rigidly enforced; and also would receive no aid or countenance from their government, into whatever difficulties they might be thrown by the violation of the laws of their country, and of the territory of a neighbouring and friendly nation."

The corps of observation which Forsyth threatened to send to keep the British from burning another *Caroline*, was now directed to go to operate as a check upon the filibusters, if such men were capable of being acted upon *morally*; for in no other way Poinsett, the Secretary of War, painfully confessed in his instructions to their commander, General Scott, could they act. "The executive possessed no legal authority to employ the military force to restrain persons within our jurisdiction, and who ought to be under our control, from violating our laws, by making incursions into the territory of neighbouring and friendly nations, with hostile intent."



Surely the restriction by the constitution of the power to levy war to the general government, involved all the necessary conditions for the exercise of that function. We cannot imagine General Jackson suffering such instructions to be sent to a military commander ordered on any special service. Nor can we escape the conclusions to which the Duke of Wellington gave utterance a year afterwards, in his place in the British legislature. "Such a private war," he said, "was unknown in any other part of the world; the history of barbarian nations might show similar instances, but such wars had never until now occurred between civilised men. Unless vigorous steps were speedily taken, the province of Upper Canada would be treated much as Texas had been. Without entertaining any doubt of the intentions of the President of the United States, he could not but feel regret, when he saw American citizens coming armed into the British territory—armed, too, with cannon belonging to the United States; nor could he avoid feeling surprise, when he was assured that it was out of the power of that government to prevent such transactions. There could, he conceived, be no doubt but that the civil government of any country was capable at any time of preventing the collection of bodies of troops within its territory for the purpose of invading neighbouring states; but here they saw the United States' government sitting down quietly, and taking hardly any notice whatever of the invasion of the British provinces by its citizens."

Finding the number of desperadoes on Navy Island increasing continually, the British collected a sufficient force to dislodge them, but instead of awaiting an assault, they evacuated the post on the 14th of January. Their leader, Van Rensselaer, was arrested as soon as he returned to the American shore, and held to bail; and the arms, cannon, and military stores, which had been taken from the public arsenals, were taken possession of by the proper authorities. But although they disbanded at this point, they quickly resumed the offensive; and at Detroit, Sandusky Bay, and the north-eastern end of Lake Ontario, they made harassing demonstrations of hostility, without displaying in any single instance a redeeming feature of valour.

In the beginning of March a body of "Patriots," or "Marauders," as they were more properly named, six hundred in number, under the command of Dr. Robert Nelson and Colonel Cote, surrendered near Albury Springs, in Vermont, to General Wool, of the United States' army. "The disturbing forces being dispersed," says the Chronicle of the American Almanac, "the frontiers are now stated to be tranquillised." But this proved to be a delusion.

After a short cessation from these scandalous attempts at invasion, at the end of May they were commenced again. One band of filibusters boarded a British steamer, lying at an American wharf in the St. Lawrence, robbed the passengers of their money and valuables, and, having forced them ashore, set fire to the vessel and abandoned it. Another party surprised and captured a small troop of cavalry belonging to the province. On the 12th of November, —preparations having been carried on, without any pretence of disguise, all through the summer,—an attempt was made to take Prescott, in Upper Canada, by a body of "sympathisers," about five hundred in number, carrying with them several field-pieces, who were repulsed by about an equal number of militia and regulars; and a few days afterwards, the remainder of the invading force

which had retreated to a windmill, was attacked and routed; above a hundred and fifty (most of whom were natives of the United States) being made prisoners, were taken to Kingston to be tried by court-martial.

Five days after this expedition was crushed, the President issued a second proclamation, calling upon the filibusters to abandon their intention, and warning "all those who had engaged in these criminal enterprises, if persisted in, that, to whatever condition they might be reduced, they must not expect the interference of this government in any form on their behalf; but would be left, reproached by every virtuous fellow-citizen, to be dealt with according to the policy and justice of that government whose dominions they had, in defiance of the known wishes and efforts of their own government, and without the shadow of justification or excuse, nefariously invaded."

Notwithstanding which exhortations and appeals, on December the 4th, some four hundred of these brigands landed near Sandwich, in Upper Canada, burned a steam-boat, set fire to some barracks, committed several inhuman murders, and then were precipitately routed by the militia.

It deserves notice that some persons at Oswego, in New York, got up a public meeting to concert measures in behalf of "the infatuated young men who had forfeited their lives to public justice, by a participation in the late scenes at Prescott, on the St. Lawrence." The letter they addressed to Colonel Dundas expressly disclaimed the consideration of their being American citizens, and urged their youth and inexperience, and their being "beguiled" into the outrage which had ended so fatally for them. Colonel Dundas, in reply, offered no hope beyond that of "a prompt and just administration of the law;" but in the end, only nine of the near two hundred prisoners taken at Prescott and Sandwich, suffered death, the greater portion (a hundred and forty) being pardoned, and the rest confined in Canada, or other places of security, for various terms.

Van Buren thus, in his Message of December, 1839, celebrated the cessation of the rebellion:—"Within the provinces tranquillity is restored, and on our frontier that misguided sympathy in favour of what was presumed to be a general effort in behalf of popular rights, and which in some instances misled a few of our more inexperienced citizens, has subsided into a rational conviction, strongly opposed to all intermeddling with the internal affairs of our neighbours. [We must caution our readers against supposing that this is a historical document—it is merely a "state-paper;" and we introduce it that the true nature of the remarkable annual addresses called Messages, may once more be made apparent.] The people of the United States feel, as it is hoped they always will, a warm solicitude for the success of all who are sincerely endeavouring to improve the political condition of mankind. [Except for those who seek the advancement of the African race. We wonder the President should have omitted this cardinal fact.] This generous feeling they cherish toward the most distant nations; and it was natural, therefore, that it should be awakened with more than common warmth in behalf of their immediate neighbours.

"But it does not belong to their character as a community, to seek the gratification of those feelings in acts which violate their duty as citizens, endanger the peace of their country, and tend to bring upon it the stain of a



violated faith towards foreign nations. [It is strange that Van Buren should write thus at the time; no one now can repeat his words.] If, zealous to confer benefits on others, they appear for a moment to lose sight of the permanent obligations imposed upon them as citizens, they are seldom long misled. From all the information I receive, confirmed to some extent by personal observations, I am satisfied that no one can now hope to engage in such enterprises without encountering public indignation, in addition to the severest penalties of the law."

As if to afford a practical comment upon this eulogy of the American people, and at the same time to illustrate the representations we have made of the different spirit actuating the judicial branch of the government, in January, 1841, one Alexander M'Leod, of Upper Canada, being in the state of New York on business, was arrested by the authorities, on the charge of being concerned in the burning of the *Caroline*, which we related above. He was at first admitted to bail, but when that was known, such excitement pervaded "the inhabitants of Lockport," that the bondsmen withdrew the bail they had given, and M'Leod was put into confinement to await his trial. A brisk correspondence between the ministers of the two countries ensued, with much frescent oratory in Congress, and Messages cautiously worded, till a grand jury found a bill against M'Leod for murder!

Not till a new administration had been inaugurated, and death had thrown the management of the affairs of the Union into the hands of yet a third President, was this trial concluded. And the interval afforded only too good an opportunity for the cultivation of all the hostile feelings that Van Buren had so smoothly disowned. On October the 12th, 1841, the affair was at last terminated, and M'Leod was acquitted, an *alibi* having been clearly proved. To this part of the scene it may be needful to return.

Belonging to this subject of the foreign affairs of the Union, we may notice here the acceptance by Congress on the 1st of July, 1836, of the trust offered to it by James Smithson, of London, in England, of employing £100,000 in the establishment of "the Smithsonian Institution," at Washington, "for the Increase and Diffusion of Knowledge amongst men;" and the fitting out and despatch of the first American Exploring Expedition, on the 19th of August, 1838, consisting of two sloops of war, a gun brig, another vessel, and two schooners, with an admirable complement of scientific men; which indicated a determination on the part of the United States to stand in new and nobler relations with the other members of the great family of nations, and to endeavour more fully and satisfactorily to fill up their place in the world. May the augury be but fulfilled!

## CHAPTER IV.

NORTHERN OR FREE STATES.—MICHIGAN STATE.—IOWA AND WISCONSIN TERRITORIES.—STATE CONSTITUTIONS AMENDED.—LOCAL AND SECTIONAL AFFAIRS.—INDIAN REMOVAL.—COMMERCE AND MANUFACTURES.

THE progress of our story now brings us to Michigan Territory. It was not till about the year 1832, that emigrants began to pour into this region in great numbers. And it was the steam-navigation of the Lakes and the Mississippi, that opened it to the adventurous spirits of the eastern states and of the Old World. Such facilities for commercial enterprise, conjoined with immense tracts of the richest land, could not fail to attract settlers of the best description. In 1830 the population, exclusive of Indians, numbered less than thirty thousand; in 1834 it fell but little short of ninety thousand. In the following year, clearings and farms multiplied with astonishing rapidity on all sides; the wigwams of the red men made way for the log-houses of the pioneers of civilisation; and towns and villages took the places of settlements and camps. The battle-fields of the last war, and the scenes of many an engagement with the savages, were ennobled by other contests, and triumphs that were attended by no regrets. "Detroit, which in 1812 was a mere stockaded village, had now become a 'city,' with more than two thousand inhabitants."

Under these circumstances, the desire for establishment as a state became irresistible. In the month of May, 1835, a convention met at Detroit, and framed a constitution on the model of those of the states lying nearest, and prohibiting slavery, lotteries, and the sale of lottery tickets; which was submitted to the people for ratification in the following October, and put into immediate operation. Congress, when applied to, required the adoption of a particular boundary line as a condition of the admission of the state into the Union; and the terms being accepted, it entered the confederacy on the 26th of January, 1837, as the state of Michigan.

There was, on occasion of this application for admission, a slight spurt of slavery discussion in Congress. In fact, the permission to frame a constitution was asked two years before, and not being granted, the polity was constructed and put in action on the ground of the Ordinance of 1787 alone. There was no slave state prepared for its "majority" when Michigan first asked for the termination of its pupilage: but in 1835 there was Arkansas; and the slavery-men in Congress endeavoured to throw up an advanced work in front of their new line of defence—"the Missouri Compromise," by pushing on the Arkansas bill, so that one principle set up by that "compromise" (that of alternate admissions from the two sections) being overthrown, it might be more easy soon to gain some decided advantage over the free states. And hence it was that nearly two years elapsed between the framing of the constitution of this state and its admission into the Union.

In the year 1836 that part of the former Michigan Territory which had been known as the Huron District, was erected into a separate territorial government, as the Wisconsin Territory. It comprised the whole region from



Lake Michigan to Lake Superior, westward to the Missouri, and southward to the states of Illinois and Missouri; and included all the sources of the upper Mississippi. Its population was estimated at about twenty thousand, and the settlements were chiefly situated on the western shore of Lake Michigan, and on the banks of the Mississippi. The extinction of the Indian title, and the extension of the means of communication, notwithstanding the erection of Iowa Territory out of it, raised its population in 1840 to above thirty thousand.

Iowa District, at the time when Wisconsin received a territorial government, contained more than ten thousand inhabitants; in less than two years later, they had increased to nearly twenty-three thousand. It was "the Black Hawk purchase" in 1832, which, opening this tract to settlers, produced this great influx of population; and so steadily did it continue, that in 1838 this district was divided from Wisconsin, and erected into the territory of Iowa. In 1840 this section of the Wisconsin of 1836 had a population of above forty-three thousand.

Besides settlers from the states that were formerly the frontier of the Union towards the western wilderness, who always form a most noticeable portion of every outbreak over new lands; and adventurers from the Atlantic states (of whom the Quakers were the most remarkable); there were vast numbers of European emigrants, especially from Germany, in this vast and rapid growth of population. Men of sturdy frame and resolute will, able to bear the hardships of a life in the wilds, and depending upon their own capability for toil, for the realisation of a personal independence denied them in their fatherland, they flocked hither, and not to the South, where independence of a different stamp prevailed. The fact that a large proportion of the immigrants here were always mere "squatters," shows the hardy and determined spirit of these inland colonisers. Whilst the progress of the towns, and the appearance of newspapers, together with the absence of so much that had always characterised the frontier settlements in the slave section of the Union, as plainly indicate the superior kind of citizenship they introduced.

Nothing can show more instructively the essential peculiarity of the political system of the United States, than the facility with which the state constitutions are amended, revised, and even wholly renewed, and the difficulty attending any alteration in the constitution of the Union. Year after year we have seen Jackson, when at the summit of his power, recommending an amendment which would, it appears, tend to reduce an aberrant feature in that scheme to the normal type of democracy; and yet unable to accomplish the change. But almost every chapter on the states and their progress severally considered, has contained some account of reforms in their instruments of government. For it is in the states individually that the life of American politics lies; and by rendering the state constitutions as complete and practicable as possible, more service is actually rendered to the nation, and more is done to maintain the Union itself, than by the best efforts to improve the general constitution which could be made. We offer here, as always, only illustrations of amendments, &c., carried during the period now under review.

Pennsylvania, in the spring of the year 1838, by a convention held at Philadelphia, effected some considerable alterations in its constitution. Whilst

the general outline and fundamental principles were preserved in its details, it was brought into close accordance with the democratic spirit of the age. The patronage of the governor was greatly restricted, the ratification of the Senate being required to give validity to all judicial appointments, and the choice of the county officers being given to the people. This was in direct opposition to the tendencies observable in the changes made in the general government, wherein we have seen the patronage of the executive increased to a degree that threatened the disturbance of the balance of power. But the *spirit* was in both cases the same; and in another change now made, it was manifested in the same manner that had been attempted in Congress—the term of judicial appointments was not now for life, or during good behaviour, but for five, ten, or fifteen years, in the several courts; so that in the administration of the laws, the action of the will of the people was more direct; and instead of being a realisation of abstract justice, it was in effect no more than a shadowing forth of the popular notions of that great social bond.

It was not a good omen for the operation of the amended constitution, that on the day appointed for the meeting of the legislature under the new frame of government, a dispute arose in the House of Representatives respecting the returns from the county of Philadelphia, and so *two Speakers* were chosen, and two Houses organised. Encouraged by which—for if the fountain of law and order be thus disturbed, the peace of the community must be imperilled—a riotous mob took possession of the Senate chamber, and when the members assembled, it was found impossible to proceed to business; so that they withdrew, and did not come together again for some days, leaving the mob in possession. It required all the exertions of the governor, aided by a strong force of militia, to restore order; but it was not till after three weeks that the representatives were properly organised, and then only by the determination of the Senate to recognise one of the Speakers and his House, and to ignore the other.

Massachusetts at this time effected one alteration in its fundamental laws, which clearly implied that, brought to the test of experience, the secular patronage of religion was hostile to political liberty. The amendment was, indeed, only a step; but it was so important, and it was carried by so large a majority, that it requires all the explanation we can give it.

“As the public worship of God, and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government—therefore the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses of public worship, for the maintenance of religious instruction, and for the payment of necessary expenses—[by filing a written notice of withdrawal from any religious society, exemption from liability for grants or contracts made by it was to be obtained];—and all religious sects and denominations demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”



This amendment of the constitution was voted, and, as we said, by large majorities, in the three consecutive sessions of 1831, 1832, and 1833, and thus became part of the organic law of the state; and the connection between the church and the state in that part of New England was thus definitely dissolved. Some other amendments concerning the commencement of the political year, and the number of representatives in the state legislature, we need not particularly speak of now.

Vermont, in the year 1836, by an amendment of its constitution, vested the supreme legislative power in "two co-ordinate branches," instead of one, as heretofore, and made a Senate of thirty members part of its legislature, the details differing little from the constitutions of other states, characterised by the same feature. And these instances will suffice for the illustration of this element in the progress of the states severally, in this part of the Union.

Notwithstanding repeated attempts to effect a final settlement of the north-eastern boundary, the controversy still remained unadjusted. The state of Maine, meanwhile, was particularly desirous that no time should be lost in determining what was its border-line towards the British province. There had, in fact, been some unpleasant collisions between the state authorities and those of the adjoining governments. Citizens of Maine, cutting timber on the disputed territory, had had their timber seized, had been driven away, and even imprisoned, by the British agents, and subjects of Great Britain had been similarly treated by the agents of Maine. Angry correspondence had passed between the ministers of the United States and of Great Britain. Matters had been further embroiled by the course taken by the state authorities, who, not understanding the limit of their sovereignty imposed by the constitution, had protested against the acts of the general government as warmly as they had against those of the British governors, and had caused quite as much embarrassment at home as they had to the opposite party in the dispute. Massachusetts, as having been mistress of the tract now the state of Maine at the time of the conclusion of the treaty of Versailles (whence all the strife had sprung), joined in the contest, and behind all, the angry denunciations of the mis-Anglican party in the states were heard.

These, however, were not the most stirring affairs proper to these regions, or respecting which the people of the North most characteristically displayed their energy and their political views. During all the time that the nullification agitation was proceeding, and whilst the great statesman of the South was fighting against the favourite dogma of the manufacturing and mercantile states, *protection*, with all the force of South Carolina, nerved with the determination to secede rather than succumb, numerous public meetings and the state legislatures supported the government with warmly worded resolutions, and no small effervescence. When relating the long and wearisome Bank war of Andrew Jackson, many glimpses were afforded of the local action of these states upon that important subject. But we could not then show how the state legislatures, in their debates, did but mirror the central legislature. The following notice of what was done in Illinois will sufficiently indicate this feature of these terms.

It was not in the older states of the North that any trouble, for many a long

year, had been occasioned by the Indians ; and but a few remained within their limits. The state of New York purchased of the Christian portion of the Oneidas their lands in the country of Madison, and they removed to the new settlement of their tribe at Green Bay, in Michigan. New Jersey exceeded by far the usual comity of the white race towards the sons of the forest ; for, notwithstanding the abandonment of the fisheries in the bays south of the river Raritan, by the Delawares, who had consequently lost all claim to compensation, the state legislature procured a formal release of them to the state, and gave to the tribe, who were also settled at Green Bay, a fair remuneration for their claim,—“ as an act of voluntary justice, as a memorial of kindness and compassion to the remnant of a once powerful and friendly people, and as a consummation of a proud fact in the history of New Jersey, that every Indian claim, right, and title to her soil, and its franchises, have ever been acquired by fair and voluntary transfer.”

But not all the dealings with the Indians were thus pacific. The passage of an Act for removing the Indians beyond the Mississippi, in April, 1830, seemed, to those who were impatient for the full occupation of the lands which the red men had held so long, to justify all measures for evicting them. In 1830 a treaty was concluded with the Sacs and Foxes, by which they ceded their lands to the United States, and agreed to remove to the western wilderness. Barbarian-like, however, having received the compensation, they showed no haste to fulfil their part of the conditions, and still lingered in the lands they had given up. Reynolds, the governor of Illinois, by one of those freaks which the possession of power, under no definite responsibility, is apt to occasion in persons of certain temperaments, chose to construe this as an invasion of the state ; and as he was bound to protect it from this, he called out some seven hundred militia, and ordered them to march the Indians over the border. And the officer in command of the United States' troops in that quarter, fearing a hostile collision between them and the militia, joined the latter, so as to compel the natives to give way by the display of overwhelming force.

We must pause to observe the fact, that, according to the “ American Annual Register,” it was the “ unjustifiable interference” of the state governor “ with the peculiar duties of the federal government” that “ compelled” this officer to act thus ;—showing, that if the local authorities are resolved upon acting illegally, the federal authorities not only do not regard themselves as bound to resist, but consider it their duty to assist in the wrong doing, lest others should suffer in consequence of their irregular proceedings. It remarkably illustrates the question of the adjustment of the balance of power between the local and general governments.

The leader of the evicted Indians was the afterwards celebrated Black Hawk, and he at once resorted to the only practicable means of revenge—predatory and hostile ravages in the frontier settlements ; whilst he prepared for a more formidable retaliation. In March, 1832, he assembled his own tribes, the Sacs and Foxes, with the Winnebagoes, to the number of about a thousand in all, and crossed the Mississippi into Illinois. All was dismay ; the settlers nearest the point of invasion fled, and a brigade of militia, ordered out for their protection, by no means appeased the alarm. By June, however, the federal commander



there, with his own force, and about three thousand mounted volunteers, took the field, and Black Hawk withdrew his warriors into the swamps, which were their fortresses and trenches and ambuscades, at the same time, and he extended his murderous incursions over the whole of the north-western most advanced settlements.

General Scott was thereupon ordered to lead eleven companies of infantry and nine companies of artillery against the savages; and with the utmost promptitude, undeterred by distance, and although his force suffered severely from cholera, he marched to Chicago. The same spirit actuated the army already in the field; for, finding they could not be reinforced by Scott's troops, they penetrated into the lurking-places of the Indians, on the 21st of July inflicted a decisive defeat on them on the banks of the Wisconsin, followed them up, and once more, and yet more disastrously, routed them near the mouth of the Iowa, on the left bank of the Mississippi, on the 2nd of August; and Black Hawk and his small band of survivors having surrendered, on the 15th and 21st of September treaties were concluded with the Winnebagoes, and the Sacs and Foxes, by which they agreed to the cession of the remainder of their territory, and the federal government to pay 10,000 dollars annually for twenty-seven years to the Winnebagoes, and 20,000 dollars for thirty years to the Sacs and Foxes, and to provide them with the means of improvement and civilisation. And thus was peace restored.

It will not be necessary to give in detail all the treaties by which the various tribes residing in the north-western region of the original territory of the United States ceded their lands, and accepted, instead, lands to the west of the Mississippi, with annuities and other "considerations," in fulfilment of the Act of Congress, for the removal of the Indians beyond the great river. The examples related here and elsewhere will make the process sufficiently clear. Intercourse with the whites on the unequal terms on which alone the two races could meet; the want of plasticity in the character of the Indians; the supercilious superiority of the whites; the incapability of these communicating, or those receiving, more than destructive diseases, and habits yet more pernicious,—could lead to no other result, if any show of humanity was to be observed by the authorities of the dominant race. We have already observed upon the inadmissibility of a sentimental estimate of such a change as this. Practically, the only alternative was extermination; yet it cannot be denied that had a loftier principle than that barbaric one, of the mere superiority of their own race, actuated the Anglo-Americans,—had they remembered that though inferior as a race the Indians were still men,—a happier issue than that of their complete extirpation from their ancient abodes, and removal to the western wilderness, might have been recorded.

In our former chapters we have indicated the progress of the several states commercially, by comparing their exports and imports at different periods of the terms under review. In the present instance, however, in consequence of the continually increasing cheapness of manufactured goods, the figures will not give a complete view of the development of mercantile activity and wealth-producing power in this direction of the states. In the year extending from October, 1829, to September, 1830, the exports of Maine exceeded 670,000

dollars in value, and its imports were worth about 570,000 dollars; in the year ending September, 1840, its imports were worth above 50,000 dollars more than in the former period, and the exports had risen to above 1,000,000 dollars in value. The exports of Massachusetts were estimated at less than 7,250,000 dollars in the former period, in the latter at above 10,000,000 dollars; and its imports had risen from less than 10,500,000 to more than 16,500,000. New York imported at the beginning of Jackson's administration, in twelve months, more than 30,500,000 dollars' worth of goods; at the end of Van Buren's administration, nearly 60,500,000 dollars' worth; and exported at the former time less than the value of 19,750,000 dollars in a year; but at the latter time about 34,250,000 dollars' worth of produce. In Pennsylvania the totals were estimated at nearly 8,750,000 imports, and above 4,250,000 exports at the latter period.

In tonnage these states showed similar progress. At the end of 1828, just before the inauguration of General Jackson, that of Maine was reckoned at nearly two hundred and forty thousand tons, and at the end of 1839 at above two hundred and eighty thousand; Massachusetts had increased from nearly four hundred and twenty-five thousand tons to above five hundred and twenty-five thousand; New York from more than three hundred and fifty-five thousand tons to nearly four hundred and seventy thousand; and Pennsylvania from under a hundred and five thousand to above a hundred and twelve thousand tons of shipping in this space of time. We shall not appreciate this, however, unless we add, that at the latter period the entire tonnage of all the slave states taken together—and Baltimore and New Orleans, it is well known, were no mean ports—barely exceeded that of the single State of Massachusetts!

The progress marked by the projection and construction of canals, railroads, and other "internal improvements" in all the northern states, even to remote Illinois and Michigan, quite outstrips our means of recording it; we can only present these jottings respecting the aggregate lengths of canals and railroads completed, in process of construction, or projected *bond fide*, in some of them, in the year 1840. Massachusetts had then about eighty miles of canals, but more than four hundred miles of railroad; New York, on the other hand, had about six hundred and seventy miles of railway, but above nine hundred miles of canals. Pennsylvania had almost a thousand miles of each means of internal communication. Ohio showed nearly eight hundred miles of canals; Michigan above one hundred miles of railway. In short, out of nearly four thousand miles of canals in the United States, these northern states had nearly three thousand three hundred miles; and out of more than five thousand miles of railroad, they had half. And the full reports of the censuses alone could show how prodigiously in wealth of every sort, cleared and cultivated lands, horses, cattle, corn, houses, &c. &c., as well as in population, this section of the Union grew, between the years 1830 and 1840. The hints to be found in various parts of this book must suffice for our present purpose. The stability of the banks here, compared with their caducity in other parts of the country, on which we have remarked in a former chapter, is a fact that speaks volumes on this subject.



Another sign of progress, but telling in a different direction (and also indicating that our division of the states into north and south is, for some purposes, insufficient), is to be seen in the condition of the debts of the several states, at the end of the twelve years under consideration. New Hampshire, Vermont, Rhode Island, and Connecticut, were able to declare themselves free from encumbrances; Maine owed more than 1,500,000 dollars; Massachusetts more than 5,000,000; New York above 20,000,000, and New York city alone, nearly 10,000,000; New Jersey had a modest debt of less than 84,000 dollars; Pennsylvania owed nearly 35,000,000; Ohio, Indiana, and Illinois were each involved to the extent of about 14,000,000; and Michigan owed 6,000,000. These amounts are highly instructive when compared with other facts respecting these states, which we are familiar with; and the significance of them, in other ways, will appear in the sequel.

How the manufactures of this region grew, in variety and extent, it were long to tell. The progressive increase of the exports from New York, Philadelphia, and Boston, as compared with the imports, may be accepted as a partial indication of this fact. By way of illustration, the following particulars concerning Lowell may be given here.

In 1829 there were four companies who had factories at this famous place—Merrimac, Appleton, Hamilton, and Lowell. Cotton weaving, with the previous processes, and cotton printing, had from the first been carried on here: a manufactory of carpets was about this time put in operation. Next year, the *Salem Mercury*, speaking of the place, said:—"Speculations in land in this flourishing town have been carried, within a few weeks, beyond all former example. Numbers, who but recently were in moderate pecuniary circumstances, have amassed independent fortunes by this means. Real estate has risen, within the last eighteen months, nearly one hundred per cent. Some lots of land, well situated for business, which were sold within six months at two shillings per foot, have been sold within a few weeks for seventy-five cents a foot. Last Wednesday a lot of land was purchased by two gentlemen for 25,000 dollars, and on the same day they sold one half of it at an advance of 40,000 dollars. Buildings, it is said, rent for a greater profit in Lowell than in any other town in New England, averaging fifteen or twenty per cent. per annum on the capital invested." In the same year three new companies were incorporated; and broadcloths and cassimeres were added to its staple productions. Five years later there were nearly six thousand persons employed in these factories, and nearly seven hundred thousand yards of cotton goods were turned out every week. "The thread spun per day would encompass the globe, on the equator, twelve times and upwards."

More striking than details of this kind will the following be found, as an illustration of the progress of the north and of the west in one. It is from an account of "Things seen by a Young Son of the West," and is dated 1833.

"I have seen," he says, "the time when the only boat that floated on the surface of the Ohio was a canoe, propelled by poles used by two persons, one at the bow and the other at the stern.

"I have seen the day when the introduction of a keel-boat with a shingle-roof was hailed as a mighty improvement in the business of the west.

"I remember the day when the arrival of a Canadian barge (as the St. Louis boats were called at the head of the Ohio) was an important event in the transactions of a year.

"I remember the day when a passage of four months from Natchez to Pittsburgh was called a speedy trip for the best craft on the river; and when the boatmen (a race now extinct) leaped on shore after the voyage, and exhibited an air of as much triumph as did the sailors of Columbus on their return from the New World.

"I remember the time when the canoe of a white man dared not be launched on the bosom of the Alleghany.

"I remember the time when a trader to New Orleans was viewed as the most enterprising amongst even the hardy sons of the West; on his return from his six months' trip he was hailed as a traveller, who had seen the world.

"I remember the day when the borders of the Ohio were a wilderness, and New Orleans was '*toto orbe divisa*,' literally cut off from the whole world.

"I have lived to see the day when the desert is flourishing as the rose; when the race of boatmen has become extinct, and their memories only preserved in the traditional tales of our borderers.

"I have lived to see two splendid cities—one devoted to manufactures, the other to commerce—spring up where, in my boyhood, nothing appeared like civilisation but the hut of the soldier or of the settler.

"I have lived to see a revolution, produced by a mechanical philosophy, equal to that effected by the art of printing. It has changed the character of western commerce, and almost proved that the poetical wish of 'annihilating time and space' was not altogether hyperbolic. By it New Orleans and Pittsburgh have become near neighbours.

"I have lived to see the day when a visit to New Orleans, from Cincinnati, requires no more preparation than a visit to a neighbouring county-town. I remember when it required as much previous arrangement as a voyage to Calcutta.

"I have lived to see vessels of three hundred tons arriving in twelve or fifteen days from New Orleans at Cincinnati; and I calculate upon living to see them arrive in ten days.

"I have lived to see vessels, composing an amount of tonnage of upwards of five thousand tons, arrive in one week at the harbour of Cincinnati.

"All these things I have seen, and yet I feel myself entitled to be numbered amongst the *young* sons of the West."





BIRD'S-EYE VIEW OF NEW ORLEANS.





## CHAPTER V.

SOUTHERN OR SLAVE-HOLDING STATES.—ARKANSAS STATE.—THE CONSTITUTION OF FLORIDA.—STATE CONSTITUTIONS REVISED AND AMENDED.—STATE ACTION ON PUBLIC QUESTIONS.—“NULLIFICATION,” AND THE ORDINANCE OF SOUTH CAROLINA.—THE CHEROKEE CONTROVERSY WITH GEORGIA.—THE FLORIDA WAR.—INDIAN REMOVAL.—GOLD MINES.—TRADE AND AGRICULTURE.—SLAVERY.—TEXAS.

DURING this period the Southern states appear to have committed themselves, with more than their accustomed positiveness, to those measures and institutions which have always been characteristic of Southern policy, and in their most condensed concrete forms are “Nullification” and Slavery. Our space will not allow us to work out the demonstration of this in detail; nor would it consist with the popular plan of our history; but the sketches we shall give of the legislation, political action, manners, &c. &c., of this section of the Union will have all the force of proof, and that, especially, because of their miscellaneous nature, and the almost random manner of selecting them.

We have spoken of Arkansas, and its assumption of the dignity of an independent state, in connection with Michigan; here we must remark upon it more fully. “For a number of years,” says Monette, “subsequent to the organisation of the second grade of territorial government, Arkansas was considered to be on the extreme confines of civilisation in the south-west, and its inhabitants were supposed to consist chiefly of the hardy, fearless, and restless spirits of Kentucky and Tennessee, who had retired from the wholesome restraints of law and good morals. So feeble was the attraction in this remote region for the active, industrious, and well-disposed portion of the western pioneers, that the Arkansas territory, in 1830, ten years after its organisation, had acquired an aggregate of only thirty thousand three hundred and eighty-eight souls, including four thousand five hundred and seventy-six slaves.”

“The western half of the territory had been erected, in 1824, into a separate district, to be preserved for the future residence of the Indian tribes, and to be known as the Indian Territory. From this time the tide of immigration began to set more actively into Arkansas, as well as into other portions of the south-west.” As far as its western boundary, and beyond it, the flood of immigrants swelled; and the movements in Texas greatly accelerated the settlement of this its next neighbour within the limits of the Union. The census of 1835 showed that the population had nearly doubled itself in the course of five years; and that the number of slaves was rather more than doubled. “The increase in the number of slaves,” observes Monette, “was in the same proportion with the increase of the whites, and afforded a good index to the advance of agricultural prosperity.”

Congress, therefore, did not withhold its assent to the request that a constituent convention might be held, and Arkansas take rank as a sister state in the Union. And on January the 1st, 1836, at Little Rock, the legislature of the territory met, and after no protracted labours devised a form of government, which being accepted by the people, and approved by Congress, on the 13th of June the state was admitted into the Confederacy.

In its general features the constitution thus framed and ratified did not

differ from those of the states nearest to this: but we may remark the jealousy of the judicial branch of the government, betrayed by the limitation of the term of office for the judges and justices to eight, four, and two years, according to their grade; the allowance of imprisonment for debt, if there were the suspicion of fraud; the prohibition of lotteries and the sale of lottery tickets; and the permission to establish one state bank with branches, and one bank "to promote the agricultural interests of the country." The provisions concerning slaves wore, as usual, an aspect of fairness (bating always the permission of the thing itself),—"impartial trial by jury," "the same degree of punishment as would be inflicted on a free white person," and "counsel for their defence,"—but they only contemplated the unhappy thralls as criminals; as sufferers of wrong the constitution knew them not, unless it were to say (as it did) that the legislature might not emancipate any without the consent of their owners.

After the admission of the state of Arkansas into the Federal Union, her population and wealth continued to increase; settlements gradually extended over the unoccupied districts, and rapidly occupied the fertile regions upon all the tributaries of its great streams; and, in short, the census of 1840 showed that it possessed a population of ninety-seven thousand five hundred and seventy-four persons, including nineteen thousand nine hundred and thirty-five slaves,—the latter increasing, as we see, at a much more rapid rate than the whites. Yet the progress of this state fell far short of what was expected concerning it; far short of that displayed by many states in the North, which commenced under similar circumstances. The cause of this is not, we believe, far to seek; but we will not enter upon it here, as in a future chapter we must return to the subject.

Both Michigan and Alabama, though they afterwards applied for the sanction of Congress, did not wait its permission before summoning conventions to settle the form of state government to be adopted by each; and in the debates upon the subject of their admission into the Union this "contempt" was strongly urged as an argument against acceding to it. The delay on the part of Congress to sanction the erection of Michigan into a state cannot be wholly free from factious motive; and perhaps this, as much as determination to maintain the dignity and authority of the national legislature, lay at the bottom of all these proceedings. Most certainly Senator Benton, looking back upon these matters, in his "Thirty Years' View," seems to regard it so.

Either on this account, or on grounds connected with the "Missouri Compromise," Florida was made to wait, like the patriarch for his bride, a long seven years, before it received the coveted honour of recognition and admission into the Union. Notwithstanding the character of the country, and the unsettled relations of the Indians there to the central government, immigrants still poured into it so numerously that in 1830 the number of inhabitants of the territory, including slaves, was thirty-four thousand seven hundred and twenty-three. And it continued to increase, in spite of the war, which we shall soon speak of, till, in 1838, the territorial legislature, representing the wishes of the people, memorialised Congress, and obtained authority to hold a convention to draw up a state constitution. This was done at St. Joseph; and on the 3rd of December a frame of government was agreed upon, which a convention at Tallahassee, on the 11th of the following January, adopted.



"The general features of this constitution," says Monette, "were similar to those of the other slave-holding states; and, of course, the bondage of the negro race was legalised within the limits of the proposed state. In this respect the constitution of Florida was more rigid than many other slave-holding states,—prohibiting for ever the emancipation of any negro slave in the state." Free negroes were, of course, entirely excluded. "But the people of Florida," continues the historian of the Mississippi Valley, "were not permitted so soon to assume state sovereignty. There were features in the constitution designed to protect Southern rights [*i.e.* negro wrongs] and Southern interests, which necessarily encountered a strong opposition from Northern interests and feelings. The fact of the proposed new state being a Southern one, and a slave-holding one in its most rigid sense [there being no Northern state waiting for admission as a set off], created in the national legislature a strong opposition to its admission into the Union, as an independent state, with less than thirty thousand free whites. [This being plainly opposed to the meaning of the Ordinance of 1787.] Hence, Northern influences and prejudices were strongly arrayed against the measure; and they were sufficiently powerful to defeat the admission of the new state for nearly five years [we reckon from 1838 to 1845, some seven years] after it was constitutionally and legally entitled to assume the rank of an independent state."

Before all other amendments of constitutions, that of Virginia requires notice. No change had been made in the fundamental law of this state ever since it was first adopted, in 1776; and in many respects, but especially in the distribution of voters, the alterations which had occurred in that long interval had marred all the adjustments which had then been made with so much ease. We have alluded to this in a former Book; but an illustration will best show the necessity for a revival which now existed. Under the old constitution, each county, whatever its population, or number of voters, sent the same number of delegates to the state legislature; so that Williamsburg, which possessed a hundred and twenty-eight state tax-payers, Warwick with two less, and Staunton with only a hundred and ten, had each as many representatives at Richmond, as Augusta, Loudoun, and Pittsylvania, each of which had above nineteen hundred state tax-payers.

In the beginning of October, 1829, this convention for amending the constitution assembled at Richmond, but their task was not an easy one. Respecting that cardinal question of the re-distribution of the political power of the state, the greatest difficulties were encountered. "The members of the eastern counties were resolved not to part with the power of governing the state, and those from the west as determined not to submit to the existing inequitable mode. The convention was several times apparently on the point of breaking up without finishing its business. Finally, a compromise took place, the political power, however, being carefully secured to Virginia; and an amended constitution was adopted on the 14th of January, 1830."

Both Madison and Monroe, Ex-Presidents of the United States, were members of this convention; and by the suggestion of the former, the latter acted as president, as long as his health permitted him to share its deliberations. The polity devised by these legislators was submitted to the votes of the state

in the month of April after its completion, and was accepted by a large majority, the votes in favour being given in greatest numbers in the eastern part of the state, and those against it in the west. For the sake of enabling our readers to compare it with the one it superseded, we give an account of its main provisions.

The governor was made eligible for terms of three years, but not for two such terms in succession, by the joint vote of the two houses of the General Assembly. A council of state, elected in the same way for three years—one seat to be vacated every year, and the senior councillor to be lieutenant-governor—was appointed to assist him.

The legislature was constituted of two houses: a senate of thirty-two (and never to be of more than thirty-six) members; and a house of delegates of a hundred and thirty-four (and never to be of more than one hundred and fifty) members (in both which the predominance was given to the counties lying east of the Alleghanies); and together they were to be designated the General Assembly. At the end of ten years a re-apportionment of the representation was to be made, which gave some hope to the western portion of the state.

The judges of the higher courts were to be appointed by the joint vote of the two houses, and to hold office during good behaviour, or till removed by a concurrent vote of two-thirds of the numbers present in both houses.

The right of suffrage was extended to the owners of freeholds, or parts of freeholds, 20 dollars in value; or of life interest, or reversionary interest, in land worth 50 dollars; to holders and occupiers of leases for five years or more, of a yearly rent of 200 dollars; and to the heads of families and house-keepers, who should have paid a state tax in the preceding year; so that this actual "*demos krateo* principle," as Benton called it, in which the vote is the expression of citizenship, and not at all of property, was not realised now, any more than under the former constitution. All elections were to be made by openly given votes, and not by the ballot.

The state of Delaware also revised its constitution now. In the month of November, 1831, a convention met at Dover, and unanimously adopted "several important amendments." "The sessions of the legislature were made biennial, but the governor might call an extra session; the property qualification of the representatives was abolished; the governor was to be elected once in four years, and so with the senators; the judges were to be appointed by the governor, and to hold office during good behaviour; and the entire judiciary system was altered,—all the grades, and all concerning them, being determined, and nothing left for the legislature to supply. A majority of all the persons entitled to vote might at any time demand a convention for the further change of the polity of the state. Popular elections were to be by ballot; and every free white male citizen, twenty-two years old, having resided in the state a year, and the last month in a county wherein he had paid a tax assessed six months before the election; and also "every free male citizen, of the age of twenty-one years, and under twenty-two years, having resided as aforesaid, though not having paid a tax, idiots, insane persons, and criminals excepted," was to enjoy the privileges of an elector.

In the following year Mississippi remodelled its polity. In the months of



September and October a convention assembled at Jackson in that state, and agreed upon certain changes in the constitution. The right of voting was given to all free white males of one and twenty, and residents in the state for a year before an election; the minimum age of the representatives was to be twenty-two, and of the senators thirty—the senators to be residents of four years' standing in the state and one in the district electing them, and the representatives of two years in the state and one in the district electing them; property qualifications for all officers of the state were abolished; the governor was elected for two years, and was to be eligible only for four years out of every six; the president of the senate was to be lieutenant-governor *ex officio*; and the judges of the supreme court were to be chosen by the people. The mode of election was to be by ballot; and no person was ever to be appointed to any office for life, or during good behaviour.

North Carolina, like Virginia and Delaware, had not amended its frame of government ever since its first construction; wherefore, in June, 1835, a convention was called at Raleigh, which, after above a month's labours, adopted numerous changes in the original constitution, and, on the 9th of November, they were ratified by the people, and went into operation at the beginning of the next year. The legislature was made to consist of a senate of fifty members, elected by ballot for two years; and a "house of commons"—but how that British term was tolerated we cannot tell—of a hundred and twenty members, chosen in like manner. White free men, twenty-one years old, who had resided in any district for twelve months before any election, and were freeholders to the extent of fifty acres in the same district for six months, received the right of voting. The governor was also made eligible biennially, but only for four out of every six years. The legislature was to appoint the secretary of state, the treasurer, and the council of state, for two years each, and the attorney-general for four years. And amongst the miscellaneous provisions we find the following:—"No person who shall deny the being of God, or the truth of the Christian religion, or the Divine authority of the Old and New Testaments, or who shall hold religious principles incompatible with the freedom or safety of the state, shall be capable of holding any office, or place of trust or profit, in the civil department within this state." A provision of a very extraordinary kind indeed.

Tennessee—which although not one of the first thirteen, was, in comparison with its next neighbours, a state of some standing, its constitution dating from 1796—now also revised and amended its polity. From May to August, 1834, a convention sat at Nashville, and in March of the year after, the people, by a vast majority, ratified their work. In its main features (the three branches of the government, the two-fold legislature, and the biennial election of all its officers) it resembled those we have just described. But the governor was eligible for six out of every eight years; citizenship of the United States (a qualification strangely enough overlooked in all the constitutions we have now had to speak of), and a residence of six months in the county (where the vote was offered) before an election, was the only qualification required; the judges were all elected for terms of years—twelve, eight, six; and these provisions were appended:—"no person who denies the being of God, or a future state

of rewards and punishments, can hold any civil office;" and "lotteries are prohibited, and persons who may be concerned in duels are disqualified for holding office in the state."

Several other states amended, or attempted to amend, their constitutions now, for there appears to have been unusual activity in this direction during these twelve years; but we need not notice any of the changes made, except the following in the constitution of Maryland:—"The relation of master [it should be, only it would not sound so well, "owner"] and slave cannot be altered without the unanimous consent of two consecutive legislatures, and not then without a full restitution to the master for his property." And this prompts the inquiry, to which no answer is possible, what new peril had arisen to require such a prohibiting "article" as this? One would have fancied from other things one hears of Maryland, that the constituent convention would have acted more faithfully, as well as more wisely, had it rendered emancipation easy, instead of raising up such insuperable difficulties. One paragraph out of Madison's speech at the Virginia convention might have been pondered by these legislators of Maryland, and by those of some other states, with good effect.

"It is due to justice," said the veteran statesman, "due to humanity, due to truth, to the sympathies of our nature, in fine, to our character as a people, both abroad and at home, that the coloured part of our population should be considered, as much as possible, in the light of human beings, and *not as mere property*. As such they are acted upon by our laws, and have an interest in our laws."

And when such a statesman has to trim his words so curiously, there is no very searching inquiry requisite to find out a great wrong that ought to be redressed, and yet—such is the might that is *not* right—cannot.

Passing by some inter-state controversies, mostly occasioned by questions of boundaries, we have to notice the actions of the states severally on national affairs; the principal instance of which is the famous "nullification" of Calhoun and South Carolina. In the last Book we recorded the facts until the close of the administration of John Quincy Adams; and in the first chapter of this Book, the aspect of the matter, presented to one contemplating it *from Washington*, has been given. In taking up the subject in its state aspect now, we shall avoid, as far as possible, repeating our former accounts, and shall look at Calhoun's doctrine from "the inner side," as Benton would say. We shall find that South Carolina was now left alone in the maintenance of its peculiar views of "state-rights," by such extreme measures as were at first threatened by more than one state beside it, if the tariff of 1828 were enforced. Georgia, however, as we shall presently see, had its own quarrel with the general government, and afforded it all the support and encouragement which successful resistance of the general law could give.

With or without "nullification," and its corollary secession, South Carolina was well aware that the tendency of its proceedings was the virtual dissolution of the Union; for its governor, in his message to the legislature, in November, 1829, thus spoke of this subject:—"The manufacturers press their claims upon the bounty of the government in a manner unparalleled in the history of legislation.



The direct interest of individuals, or of particular sections of the country, is made the basis of a system, sapping the foundation of honest labour and constitutional rights of other sections. [It is not only of the confused metaphor we have here to complain: free-trade would, no doubt, have benefited the country at large; but South Carolina and the South generally did not contend for it on that account—they demanded it on the ground that it was for their own sectional and individual interest that trade should be free.] It is entirely obvious that those states owning slaves have a distinct and separate interest from such as have none."

Next year the excitement had risen still higher within the borders of this state, for the course adopted by the administration had the effect of confining it to them, the other disaffected states regarding the remedy as of doubtful efficacy, and the loyal states considering it as "treasonable." And when the legislature met, the nullifiers had a clear majority in both houses. They were not strong enough, however, to carry a bill, authorising the holding of a convention for the purpose of "nullifying such laws of Congress as it might deem unconstitutional," although the resolutions introducing the proposal were carefully drawn up in the very words of Madison and Jefferson. Yet, nothing discouraged by the failure, a "State Rights and Free Trade Association" was organised, and every means of systematic agitation resorted to that experience or ingenuity could devise.

Amongst other schemes, a free-trade convention was summoned at Philadelphia in October, 1831; but when it came together, "it was speedily discovered that the doctrines of nullification had but few friends out of South Carolina, and it was agreed that it was inexpedient to insist upon the *unconstitutionality* of the tariff; but that the *policy* of protecting duties should be questioned, and the danger of alienating the affections of the people of the Southern states be strongly insisted." The President, too, "in answer to an invitation to dine at Charleston on the 4th of July," "expressed his determination to perform his duty in case any attempt should be made to annul the laws of the Union." And it was more than ever manifest that, if it were to carry out its threats, South Carolina would have to stand alone; so that, though many of its more enthusiastic politicians believed that the executive of the Union and Congress would both give way if the law were nullified, no step was actually taken which would draw upon the state what Jackson had not indistinctly menaced.

One project devised for testing, and at the same time practically effecting, the scheme of nullification, was the refusal to pay the duties on imported goods, for which bonds had been given at the time of importation; and the case was heard in the United States' District Court, in September, 1831. Their plea was "*non est factum*;" but after a patient investigation, the court held that "it was a suit on a bond,—that the execution of the bond had been duly proved,—and that there was no evidence to invalidate the bond," and the jury found for the United States the amount of the bonds. The acting judge delivered an elaborate plea to the same effect, a few days afterwards. "This decision was declaimed against, as another instance of tyranny on the part of the Federal government."

Wheeler, in his "History of Congress," sketching the life and character of

one of these recusants (Isaac E. Holmes), tells us that he, "declaring that he cared nothing about the *name* [of "nullification"] because it was the *thing* he wanted, went for resistance under any name. He avowed that when rights were invaded [that is, an unpleasant Tariff Act passed by Congress] under the forms of the constitution, he should look beyond that instrument for a remedy; that he would recur to first principles—to state rights; and even, if need were, to natural rights. [Can a slaveholder consistently hold the dogma of the existence of "natural rights?"] . . . . Judgment was rendered against him. He still refused to pay, and the United States' Marshal levied on one of his houses. But the nullifiers were so strong that the friends of the general government did not bid. General Jackson, on hearing this state of facts, dismissed the Marshal, who was himself a nullifier, and appointed a Union man in his place. The house, however, was never sold, nor was the money on the judgment ever paid, until Mr. Holmes was coming to Congress in 1839. [Why then?] He was a practical nullifier."

The presidential election coming on, the legislature adopted this amongst other resolutions:—"That the state of South Carolina being engaged in a contest for great constitutional rights, and interests of paramount importance, it is inexpedient at this time to involve her in the struggles of the presidential election, or to pledge her to any particular candidate." And, as we saw, South Carolina did not vote; but the anti-nullificationists, Jackson and Van Buren, were returned notwithstanding.

In September, 1832 (for the form of the Chronicle is not inappropriate to this hasty record of these momentous proceedings), a convention, assembled in the name of "the Union and state rights," met at Columbia. It deprecated "nullification," but avowed sympathy with the nullifiers, recommended a convention from the chief Southern states lying east of the Mississippi, and pledged itself to "adopt, abide by, and pursue such measures in relation to our grievances, as the said convention should recommend." This could not accomplish anything; for in the then existing posture of affairs, nothing but thorough-goingness, in one or the other way, was of any avail, or even of any promise.

In October, 1832, instead of November, the state legislature met again, and at once passed an act summoning a convention. In the middle of the next month it assembled; the governor of the state was made president of it, who designated it "a concentration of the sovereignty of the people;" and it proceeded at once to pass, by an overwhelming majority, an *Ordinance*, to the following effect:—

That, unless the Acts of Congress complained of should be repealed before the 1st of February, 1833, "the several Acts and part of Acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, . . . are unauthorised by the constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this state, its officers, or citizens; and all promises, contracts, and obligations made and entered into, or to be made and entered into, with the purpose to secure the duties imposed by the said Acts, and



all judicial proceedings which shall be hereafter had in affirmance thereof, are, and shall be held, utterly null and void."

No sooner was this business done, than the legislature, on which devolved the task of giving effect to this ordinance, proceeded to accomplish it. Acts were passed in direct antagonism to the known operations of the general government for enforcing the law, and for the organisation of the militia and the purchase of munitions and ordnance; all civil and military officers being further required to take an oath to execute and enforce the ordinance, and the laws passed in obedience thereto. All which things were incontinently carried out by the governor, and those whose duty it was to execute them.

Still, the whole force of the state was not enlisted on the side of the nullifiers. Another convention of the Union and state-rights party was held in December, which protested against the ordinance, and the laws framed in obedience to it; disclaimed all intention to resort to lawless violence, but avowed the determination to protect their rights by all legal and constitutional means; and to maintain the character of peaceable citizens, unless "compelled to throw it aside by intolerable oppression." The primary assemblies more plainly still expressed the resolution not to submit to the measures of the dominant party. "In Charleston, where they were as numerous, and in some of the mountainous districts, where they were more numerous than their opponents, meetings were held, in which it was resolved to sustain the Federal government in its efforts to enforce the revenue laws, and also to resist, by force if necessary, every attempt to carry into effect the laws, passed by the state legislature, imposing unconstitutional oaths upon all civil and military officers."

But "the leading nullifiers were in possession of the state government, and acted under the imposing sanction of a state law, which, although unconstitutional, still carried a sort of authority with it. By their activity and talents they had excited great enthusiasm amongst their followers, and were thus enabled to execute their measures with the cordial co-operation of a party formidable both for its numbers and determination. There was also no small degree of danger that, should force be resorted to, the nullifiers would find supporters in some of the adjacent states."

Matters assumed thus a most ominous appearance. Not only was the peace of the Union endangered by the threatened resistance of one state, but intestine discord seemed ready to tear that state also into hostile factions. The President, resolute and imperious as he was, hesitated to give the word that would have commenced a civil war; and Calhoun, he well knew, was as resolute and imperious as himself, and was fired by the endurance of political wrongs. Orders were given to General Scott to repair to Charleston, to aid the civil officers of the general government in the execution of the laws, and two vessels of war were ordered there for the same purpose. The forts were put in a condition of defence, and the commanders were ordered to be vigilant against surprises, and to maintain them to the last extremity if attacked. And, on the other side, twelve thousand volunteers were organised in different parts of the state, in defence of the ordinance, and the command was issued to them "to hold themselves in readiness to take the field at a moment's warning."

Congress now assembled, and Jackson, having intimated his determination

that the laws of the Union should be executed, issued his proclamation, and applied to Congress for statutory support. Then followed the Enforcing Bill, and the "Compromise of 1833," a full account of which has already been given. Meanwhile Virginia proffered to South Carolina its mediation to help it out of the entangled position it was in, and a new convention was summoned for March, when the nullifiers hoped to find that something had been done by the national legislature that would enable them to withdraw without the mortification of a defeat.

This convention did assemble, repealed the nullifying ordinance, repeated the protest against protective revenue laws, resolved to continue the military preparations, and issued another ordinance nullifying the Force Bill! But Calhoun had accepted the new tariff, his acceptance had made it a "compromise," there was nothing more, in fact, for "nullification" to do; and so, with this barren demonstration, it passed from the stage of actual things into that of theories and crotchets and themes for smatterers in politics and crabbed party-men to declaim upon.

We have not forgotten the "Hartford Convention," nor the interpretation put upon its designs by the violent Democratic and Southern partisans. We should be guilty of the same injustice did not we allow the historian of that convention to utter in our pages his temperately-worded protest against the nullifying convention of South Carolina; and with this we shall dismiss the subject.

"Far different," says Dwight, recalling the days of his Secretaryship, "were the times and the circumstances when the South Carolina convention passed their ordinance. Their time was a time of peace and prosperity. The country was pressed by no enemy from without, and by no tumult or insurrection within. Agriculture, commerce, and manufactures were flourishing beyond all former example, and the country was advancing in numbers, wealth, and power, in a degree surprising to ourselves, and astonishing to all other nations. If there is any peculiar merit on the part of South Carolina in choosing this halcyon period for making such arrogant claims, and for throwing the Union into a state of discord, fermentation, and animosity, when all things else were at peace, it would not be amiss if those grounds were more explicitly stated. At present they will be disallowed by every virtuous, intelligent, and patriotic mind. The Hartford convention recommended no measure which had the slightest tendency to prostrate the national constitution, or to destroy the Union. Every sentiment expressed in the South Carolina ordinance was hostile to the constitution, and every measure proposed or adopted was calculated to dissolve the Union. The propositions of the Hartford convention were to obtain the consent and approbation of the general government to their principal measures; the South Carolina ordinance denied the authority of that government to control them in the case about which they complained, and defied their power to execute their laws. The Hartford convention recommended an application to Congress for permission to raise troops for the defence of their coasts; the South Carolina ordinance provided for the raising of a body of men to oppose by force of arms the execution of the laws of Congress, and to raise the standard of rebellion against the government of the nation."



The commencement of the dispute between Georgia and the general government respecting the Cherokees, whose lands the state coveted, has been related in a former Book. We must now trace this to its conclusion. It is a less satisfactory story even than that of South Carolinian nullification, and exhibits one of the dangers which menaced the Union from within, in a very distinct and alarming form, and does not so much as hint at any means of protection from it. It will be needful for American statesmen before long to have studied this element in their public affairs, for the evil disclosed is of a kind not for ever to be averted by concession or compromise; and it cannot always be expected to manifest itself upon an occasion like this.

Near the close of the presidency of John Quincy Adams, a deputation of the Cherokee Indians attended at Washington, to complain of certain laws of the state of Georgia, by which, in defiance of treaties and the laws of the United States, the jurisdiction of the state was to be extended over them—their own constitution and national rights being disregarded—in June, 1830. Theirs, it must be admitted, was a hard case; and whatever pity we may be disposed to feel for the aborigines of the States' territory must be entertained in an especial manner for these sons of the soil (*autochthons*), who had “reduced their limits within reasonable bounds,” and, “in expectation of becoming a people, had relinquished their vagrant habits, and devoted themselves to agriculture and the arts of civilised life;” who had now “accustomed themselves to the utensils, the food, and the habits of the white man, and needed many of his comforts and luxuries, professed his religion, spake his language, and had adopted his laws,”—even to the length of slave-holding. It was, the deputation said, a question of existence, and not of mere well-being, with them; and if they were cast out of their old possessions, and removed to the western wilderness, they must perish.

Yet, on the other hand, Georgia could not allow such an *imperium in imperio* as the Cherokee state was then, within it. It is true that it might have adopted a more human point of view in its dealings with the red men, and not in mere insolence of pride of race condemned them to perpetual vagabondage, just as the children of Africa had been doomed to perpetual servitude. The notion of red-skinned citizens of the sovereign state of Georgia was not in itself an absurdity. A modern philosopher threatens the whole South with a far worse catastrophe than that of having citizens with red or even black skins in its population: that of becoming wholly a people with yellow skins,—which would indeed be such a *malum in se*, that the faintest probability of it might justify the most extraordinary measures of precaution.

It was an unhappy circumstance for the Cherokee deputation, that the consideration of their remonstrance was necessarily deferred until the change of administration had placed in authority citizens of at least one state (Tennessee) that was interested in the dismissal of their claims. Eaton's reply to them in effect conceded to Georgia full power, as a sovereign state, to extend its jurisdiction, both civil and criminal, over all the Indians within its limits, and denied the constitutional right of the general government to make any treaties by which the Indian title was guaranteed, declaring them not binding. The Indian title, the new Secretary alleged, was only a right to hunt, and consequently was temporary, and subject to be abridged whenever the country was wanted for the

use of civilised man (but he overlooked the possible, nay, the actual case, that the savage had become civilised, so that "civilised man" was in possession of the country). The right guaranteed was a mere right of possession, he said,—a guarantee never intended to be adverse to the sovereign right of Georgia.

We omit all the assurances of the love and friendship and so forth of their "Great Father" (General Jackson, the President) for his "red children;"—"to the plain, unsophisticated Indian mind," as an annalist observes, "this reasoning was incomprehensible; a shorter process leading to the same result would have been intelligible, and less insulting, to their understandings:—'The white man wants your land; the states have power, therefore they have right!—depart!'"

Georgia did not cease to prosecute its claim to the Cherokee lands, being incited to do so all the more perseveringly by the discovery that they "abounded with valuable minerals, and especially gold." And the government of the state complained grievously of the tardiness of the general government in allowing all its claims, and justifying all its proceedings. The state of Mississippi also copied the act of Georgia, by which its jurisdiction was declared to extend over the Indians in its territory, and all the Indian laws, constitution, titles, &c., were pronounced null and void. And Alabama did the same.

Congress, during its first session under the administration of Jackson, passed the Indian Removal Act, which was really in accordance with the claims of those three states, and also with the new policy towards the Indians which the President had announced. And thus indirectly the violation of treaties by Georgia, and the "nullification" of them by the executive, were sanctioned, and the law was made in another department of it—the will of the strongest. Nevertheless, the Cherokees refused submission, and there was so general a feeling against the course of action adopted by Georgia, that summary measures were threatened, though not resorted to. The Indian Removal Act encouraged the state to persist in that course, however; and the peace of the Union was imperilled in the most wanton manner.

The question at issue was, in reality, the constitutionality of these state laws, by which the treaties made and ratified with the Indians were set on one side; and it would not have become a "question" at all, had not Jackson, from motives which are unintelligible, if not unworthy, declared that he could not, consistently with his view of the subject, interpose to prevent a state from extending its laws over the Indian tribes, though it did so in violation of treaties. And the first opportunity that occurred was seized upon for the trial of this important point.

A murder had been committed upon the Indian territory, and George Tassel, an Indian, the murderer, was convicted and sentenced in the court of the state of Georgia. Hereupon a writ of error was issued from the Supreme Court of the United States, and a citation was served upon the governor, requiring the state of Georgia to appear before that court at Washington, to show cause why its judgment in that case should not be reversed; the subject being plainly one within the jurisdiction of the Federal Judiciary. The governor, however, regarded and treated it as a usurpation of authority, and sent the summons with a message to the state legislature then sitting, and exhorted it to take measures



to resist any interference on the part of the Federal courts with the criminal courts of the state.

The legislature was not at all unwilling to second the governor in his resistance, and it passed a set of resolutions, which were "nullification." At the same time, by its direction, Tassel was executed according to the sentence he had received; and thus the attempt to decide the matter constitutionally was frustrated by the audacity of the very persons (acting in the name of the state) whose conduct was to be inquired into. And, by way of improving the decided advantage which they had gained, they at once proceeded to authorise the survey and occupation of the Indian territory, for the purpose of distributing it by lot amongst the citizens of Georgia.

Various other laws were also passed by the state legislature for the express purpose of driving the Indians out of their territory. The exercise of authority was expressly forbidden to their chiefs by one law, which, nevertheless, authorised them to negotiate with the United States' commissioners for the purchase of their territory and title by the Federal government by treaty. Few states would have ventured upon so gross and complicated an inconsistency as this, or upon so exceedingly frank a resort to the public purse; but Georgia had all along distinguished itself by its daring, and it was the spoiled child of the first family of states—whence, perhaps, these very troubles. Another law prohibited the digging of gold in the Indian lands, and authorised the driving from the Cherokees all the white men at the time residing amongst them.

The President ordered the United States' troops to co-operate in the removal of the gold-diggers; but the governor of Georgia thereupon addressed a communication to him, "requiring the withdrawal of them from the Indian territory, on the ground that the enforcement of the provisions of the law under which they acted was inconsistent with the rights of Georgia; that the legislature was then assembled for the purpose of extending the laws of the state over the Indian country; that the state government was abundantly competent to preserve order within the Cherokee territory, and [suggesting] that as the object of ordering the troops there was undoubtedly the preservation of the peace of the Union, and as in the execution of their duties they had punished, in some instances, citizens of the state, in violation of their rights, the most effectual mode of preventing any collision between the Federal and the state governments was to remove the troops."

With this suggestion the Secretary of War lost no time in complying, ordering the troops into winter quarters, "because it was expected that the emergency which induced them to enter the Indian country had ceased." "The troops were accordingly removed, and the Cherokees abandoned to the mercy of the state government." The governor immediately sent a military force, by which the gold-diggers were removed, an intolerable species of police superintendence of the Indians established, and six white men who had long resided in the Cherokee territory brought before the superior court of the county for not having complied with one condition of this new law, by which such persons as did not furnish themselves with the "permits" from the governor, and take an oath of allegiance to the state, were punishable with four years' imprisonment in the penitentiary.

Some of the whites thus arrested were missionaries, who were then, and had long been, engaged in a mission which was established amongst the Cherokees, many years before Jackson was President, with the approbation of the Federal government; and they had acted as agents of the government in distributing the fund appropriated for the civilisation of the Indians, and in carrying out its general designs for the melioration of the condition of the aborigines. "As these missionaries were considered as advisers of the Cherokees, the government of Georgia deemed it necessary to remove them from the territory."

Samuel Worcester and John Thompson, two of the persons thus arrested, were discharged on the ground that, being agents of the United States, they did not come within the scope of the Act. But the state authorities were very indignant at this, and procured from the general government a disavowal of them as its agents; and Worcester was dismissed from a situation he held as postmaster in that region. The missionaries were then duly warned to quit the Indian territory; and as they did not comply, Worcester, with two other missionaries, named Butler and Trott, were, without the least show of courtesy, arrested, tried, and sentenced to imprisonment for four years with hard labour, for the crime of residing in the territory of the Cherokees, without taking an oath to support the constitution and the laws of Georgia.

Leaving these missionaries in the felons' prison, let us note another attempt to bring the matter to a decision. "A bill was filed in behalf of the nation, on the equity side of the Supreme Court of the United States, and process was duly served on the governor of the State of Georgia, with the view of testing the validity of its claims, and of procuring an injunction to restrain it from pursuing a course so inconsistent with the rights of the Cherokee tribe, as secured by treaty. Of these proceedings no notice was taken by the state government, except the adoption of a resolution to set at defiance the authority of the court. The court, however, proceeded to hear the cause; and after a full argument in behalf of the Cherokee tribe, it determined, at the January term of 1831, that in that form it had not jurisdiction of the subject-matter in dispute, the Cherokee tribe being neither a foreign state nor a member of the confederacy, but a domestic dependent nation, in a state of pupilage, and in a relation to the United States resembling that of a ward to his guardian. The prayer of the bill was, therefore, denied, and the Cherokees were left another year exposed to the encroachments and oppressions of their neighbours, in spite of the plain and positive stipulation of treaties."

For the purpose of promoting the object of Georgia, the administration made a change in the manner of bestowing the annuity which had been settled by treaty, long ago, on the Cherokees. Instead of paying the 12,000 dollars to the chieftains of the tribe as heretofore, orders were issued to pay each individual of the nation his proportion, which, as there were nearly fifteen thousand, was less than a dollar a-piece. "The expenses of each Indian's travelling to the agency would more than absorb the sum to which he was entitled. The effect of the order was, therefore, a virtual withholding of the annuity, and it was regarded as an additional violation of the treaties between that tribe and the government of the United States. The Cherokees generally refused to receive the annuity



in this manner, and it consequently remained in the hands of the agents of the United States."

But neither the withholding of the annuity, nor the encroachment of Georgia, shook the resolution of the Indians. "Strong in the support of public opinion," as well as conscious of being in the right, they refused either to remove from their lands or to treat for their cession. Not unnaturally, too, they regarded the Federal government as leagued with Georgia against them. This state, however, never relaxed in the pursuit of its object. "Convinced that a judicial inquiry into its pretensions would result in their complete refutation and overthrow, the state government studiously sought to bring the Federal courts into contempt. Their authority over the subject was constantly denied, and the legal and constitutional mode provided for the peaceable execution of the laws and treaties of the United States, was thus defeated by the self-will of a state, permitted, and even encouraged, to pursue its reckless career by the novel views adopted by those intrusted with the administration of the Federal government as to its powers and obligations."

None of our readers can fail to observe that in this affair Georgia went beyond South Carolina in its resistance to the tariff of 1828. South Carolina threatened to nullify that law; but Georgia *did* annul not only the treaties with the Cherokees, but one whole department of the general government established by the constitution itself. Yet Jackson, who set all the forces of the Union in motion to crush South Carolina, assisted Georgia to attain its object. How is this to be accounted for? The opponents of Georgia were Indians, and Jackson was from Tennessee: that may account for it in part. But does not the real solution lie in the fact that Calhoun was a rival politician, and he directed the votes of South Carolina; whilst Georgia, in the very heat and crisis of this controversy, could pass such a resolution as this following?

After a resolution looking in the direction of Calhoun's "nullification," (and we remember that Georgia was heartily with him at the outset), we read: "Resolved, nevertheless, . . . that this state looks with the deepest solicitude to the re-election of General Jackson to the presidency of the United States, because, in that event, we will have a certain guarantee that he will fearlessly go as far as his official powers will warrant" in opposing what we disapprove, and in supporting what we are in favour of, in short; and will give us the Cherokee lands, according to our desire.

No sooner were the missionaries (all the more objectionable to Georgia, perhaps, because they received their charge from a Boston board) consigned to the felons' cell and punishment, than steps were taken to bring the decision, which had sentenced them thus scandalously, in review before the Supreme Court of the United States. Full consideration was given to this remarkable case, and the court decided that "the law of Georgia was contrary to the constitution, treaties, and laws of the United States, and consequently void." And a mandate was issued to the state court reversing its judgment, and ordering the missionaries to be discharged.

"In theory," says a commentator upon this branch of the United States' government, as established by the constitution, and as exhibited by these facts, and the odium of the comment *must* rest with the facts:—"in theory, the

Supreme Court is the most august tribunal in the world; in practice its authority is not so great as it looks, for it has no means of enforcing its decrees. When strongly supported by public opinion, or when the matter is not of much moment, or the decision is in favour of the strongest party, or the case lies between individuals, judgment is carried out. When the great wasps are angry and resolved, the cobwebs of the law are broken through, as on other occasions."

More seriously we may observe, the great distinction between a constitutional government and one not constitutional, is this—in the former, the three departments of government are kept perfectly distinct, and each is supreme in its own province; in the latter they are mixed, or their individual and proper action is interfered with by the irregular action of the others, or the functions of one or more departments are engrossed or usurped by the officer or officers of another. The abnormal exercise of, or interference with the exercise of, the judicial functions which we here record, differs not a whit in its ethical characters, nor in its functions, from the usurpation of those functions by the most tyrannous despot that ever acquired the government of a nation. Despotism is, in its essence, the erection of any power above that of the law.

"Upon the delivery of this mandate to the state court, it refused to obey it; and shortly after the decision an article appeared in the semi-official journal of the government, denying the soundness of the decision of the Supreme Court. The representatives of Georgia at Washington openly asserted that the President would not enforce the judgment; and the opinion previously expressed by him in favour of the course adopted by that state, and the support afforded to its measures against the Cherokees, afforded too much ground for that assertion. The right of the Federal judiciary to maintain the supremacy of the Federal constitution, laws, and treaties, was thus openly brought in question."

The resolutions adopted by the legislature of Georgia were as violent as those of South Carolina. They claimed for the state uncontrolled action and criminal jurisdiction over all their lands, and the persons and things in them, and that without appeal to any court whatsoever; they denounced the decision of the Supreme Court of the United States; proclaimed "that the State of Georgia would not so far compromise her dignity as a sovereign state, or so far yield her rights as a member of the confederacy, as to appear in answer to, or in any way become a party to, any proceedings before the Supreme Court having for their object a reversal or interference with the decisions of the state courts in criminal matters;" authorised all the state officers to disregard "any and every mandate, process, or decree that had been or should be served upon them, purporting to proceed from the Chief Justice or any associate justice of the Supreme Court of the United States; and required the governor, with all the means placed at his command by the constitution and laws of the state, to resist and repel any and every invasion, from whatever direction it might come, upon the administration of the criminal laws of the state."

It does not cause us the least surprise to learn that Alabama, encouraged by the success of its older neighbour, imitated its proceedings against the Indians, as far as it seemed safe and profitable to do so. And this added to the confidence of South Carolina in its own defiance of the United States' laws.



But we must hasten to the *dénouement* of this tedious and unhappy episode in state history. We will give no more than the most prominent events; our readers can supply the intermediate and accompanying passages. Early in January, 1833, the imprisoned missionaries were discharged from the Georgia Penitentiary. In the month of March, 1835, we find that the Cherokees and the commissioners of the United States at Washington had come to an agreement respecting the definitive abandonment of their old lands by the Indians, and their removal to a territory to the west of the Arkansas state. Above 5,000,000 of dollars were to be paid in all to the tribe by the United States. But the treaty was not to be valid unless ratified, not only by the Senate of the United States, but also by a majority of the Cherokee nation. In the following December, at New Echota, in Georgia, the negotiations were finally concluded, and in May, 1836, the treaty was ratified.

Last of all, we record, that in his opening Message to Congress, on December the 4th, 1838, Van Buren said,—“It affords me sincere pleasure to be able to apprise you of the entire removal of the Cherokee nation of Indians to their new homes west of the Mississippi. The measures authorised by Congress at its last session, with a view to the long-standing controversy with them, have had the happiest effects. By an agreement concluded with them by the commanding general in that country, who has performed the duties assigned to him on the occasion with commendable energy and humanity, their removal has been principally under the conduct of their own chiefs, and they have emigrated without any apparent reluctance.”

We omit all that the President added, which was intended to gloss over the whole affair, and to make it appear no deviation from the policy pursued by the Presidents of the United States before Jackson; and that nothing but the most enlightened humanity had guided every administration in its dealings with the Indians. He prudently abstained from all reference to the broken compacts, and to the anarchical doctrines avowed, practised, and defended, by Georgia;—demonstrating thus the correctness of the view we have given of the real nature and tendency of these events. Georgia took to itself all the lands thus purchased by the public money, in repayment, as it alleged, for the cession of its “claims” on the territory stretching back to the Mississippi, out of which the states of Alabama and Mississippi had been formed.

Our readers will readily recall the history of the relations of the United States and Florida, before the time we have now reached; how it was coveted and bargained for, and attacked by filibusters, and finally ceded by Spain. The Creek war, and Jackson’s “Seminole hunt,” will easily be recollected. We saw that the chief, or at least the best, parts of the territory, when the adventurers from the Southern states flocked into it, were in the possession of the Seminoles; and we can imagine the disappointment and indignation of the would-be settlers, to find that, after all, they would not enjoy any of the expected advantages from the cession of the country. The mutual outrages and complaints of the Indians and the settlers need not be spoken of in detail; and the continual irritation thence arising can be imagined without any difficulty.

The “eviction” of the Indians, and their removal to the wilderness beyond the Mississippi, had for some time been the favourite scheme of policy towards

the aborigines; and as the Anglo-Americans had resolved not to admit them to the rights of citizenship, and it was plainly a great inconvenience for their barbaric or but half-civilised establishment to remain amidst the white men, there was no other plan possible, as we have shown. But before attempting a removal of the Florida tribes, a treaty was negotiated at Fort Moultrie, in September, 1823, and ratified in the year following, by which they gave up the fertile and promising tracts they had occupied, and agreed to confine themselves to parts of the country at a distance from them; and the white settlers immediately took possession of their vacated seats.

They were, however, far too slow in leaving the lands they and their forefathers had held, for the impatience of the new comers; and, in consequence, all the old causes of trouble remained. The reclaiming of fugitive slaves from the Indians (for they rejoiced in that species of property; only, unlike their white neighbours, the slavery was no more than nominal) was the most usual means of annoyance practised against them; and the agent who resided amongst them had trouble enough arising from this cause.

In May, 1832, another treaty was negotiated at Payne's Landing, by which the Seminoles consented to vacate the whole territory, and to migrate to the regions west of the Arkansas, provided that the tract assigned them there should be approved by a deputation whom they were to appoint to examine it. Next year, in March, the deputation had examined it, and were cajoled into signing—although they had no authority to do so—at Fort Gibson, beyond the Mississippi, a treaty in the name of their tribe, giving up their possessions in Florida, and agreeing to remove as soon as possible to the tract assigned them. And in 1834, in the month of April, the Senate and the President of the United States ratified both engagements.

This ratification was given, although the terms of the treaty of Payne's Landing, and the circumstances of that concluded at Fort Gibson, and the dissatisfaction of almost all the Seminole nation with both the country assigned them in the west, and with the conduct of the deputations, were known; and although it was expected that only by force could the removal ever be effected. The government ascribed much of the unwillingness of the Seminoles to give up their lands to the influence of their negroes, who, according to theory, and also according to the experience of human nature—both black and white—vastly preferred Florida, where all that was sufficient to supply their wants could be had by hunting and with the slightest possible expenditure of labour on the soil, to the desert of the west, where there was no such game as they had been used to, and where only as a reward of unremitting toil would the earth yield bountiful harvests. We can understand the whole, without resorting to this negro-influence hypothesis.

We cannot spare for the history of this affair very much space, and it really does not deserve it. Yet, the general currency of events must be indicated, and the reason why a protracted, costly, and destructive war was required to accomplish the ejection of a few thousands of red men, women, and children, who had nothing but activity, endurance, and the spirit that is kindled when combating for one's own country, to oppose to the wealth, numbers, skill, and power of the United States.



There were amongst the Seminoles, as was to be expected in a tribe that had begun to use the arts of civilised life, two parties,—one inclined to submission and emigration, the other resolved to defy the American government, and resist the removal by force.

Perhaps the exercise of greater mildness, together with the display of an imposing array of troops, might have prevented the consequences which ensued. But the government found it difficult to release, or to collect, a sufficient number of regulars to impress the Indians with any sense of the necessity of obedience; and the commander who was sent to superintend the removal most injudiciously exasperated the chiefs, whom it was of essential importance to win. And besides, the impatience of the immigrants into Florida had now passed all bounds, so that in December, 1835, there happened more than one collision between the Indians and the soldiers, and the Florida war commenced.

The five years which followed, and which are contained in the period we are now recording the history of, only plunged the States deeper and yet deeper in disasters and expense. At the outset the government reckoned the warriors of the Seminoles at about four hundred: it proved that they had four times that number, without reckoning above two hundred negroes accustomed to bear arms. Together, or in succession, the scanty forces despatched against these desperate men were commanded by General Clinch, Scott, Call, Jesup, Taylor, and Armistead, and by Colonel Worth. Not one of these leaders (and some had been successful in military operations, others have since proved themselves so) achieved any decisive advantage. Scott demonstrated with success, indeed, before a court of inquiry, the reasons for his failure, and that they were not in him, or his conduct of the war; but this was of little moment to the nation.

On the other hand, the chiefs, whose names were Oseola, Jumper, Tiger-Tail, Coacoochee, and others, by stratagem and audacity, by knowledge of the country and skill in turning all its peculiarities to account, inflicted many severe blows upon the Americans. More than once they repulsed with great loss superior numbers. In July, 1836, General Jesup officially announced the war at an end, yet next season it was carried on as actively as ever. In March, 1837, the same general proceeded so far as to negotiate a treaty, which stipulated that all hostilities were to cease, and that by the 10th of April all the Indians were to be at Tampa, with their families, ready to be transported to their new country. But the treaty was not fulfilled, and the war went on. The capture and death of Oseola did not terminate hostilities. In May, 1839, the chiefs agreed to retire below Pease Creek, in Florida,—removal being impossible; but in the following July the Indians broke the treaty and the war began afresh. Bloodhounds were obtained, at considerable cost, from Cuba, to the intense and justifiable disgust of the whole civilised portion of the Union; but, although vindicated in the south by the government, it was a useless expense,—trained for the capture of marooning negroes, they would not follow the trail of the Indians. And during the whole period, whenever an opportunity for plunder or murder occurred, the Indians were ready to commit both. Some of the incidents of the war, of this description, quite equal in terrible interest those which have been related in the early history of New England.

Between 1835 and 1840, above twenty thousand volunteers from various states and Indian nations [the Delawares and Shawnees being the most northerly of the Indians, Pennsylvania and New York of the states] had engaged in the service of the United States, for terms varying in length from three to twelve months, against the Seminoles of Florida. But the highest number of forces at any time during these years present for duty, including both regulars and volunteers, was about eight thousand four hundred of all arms. During the same years, the cost of the war exceeded 15,500,000 dollars!

We hear of other outrages committed by Indians, during these years,—as, for example, in May, 1836, of the village of Roanoke, on the Chattahoochee, in Georgia, being attacked and stormed by some three or four hundred Indians, and burnt; fifteen men being killed, and twenty wounded,—and of chastisement inflicted on the red men by the Americans, as of that defeat of the Creeks, in the same month and year, at Tuchluluchie, in Georgia, by the Alabama troops, when they lost about four hundred, in killed, wounded, and prisoners;—and this will show the mutual exasperation which prevailed on the part of both whites and Indians, and the necessity for the removal of the latter to some regions where they should not be an eyesore and a grievance to the dominant race.

Of the removal of the Indians generally, instead of relating how one tribe after another was transferred from its old seats to the territory allotted to it, between the western states and the Rocky Mountains, let us transcribe a few paragraphs from Benton's "Thirty Years' View;" by which not only the policy and the details of execution of this removal will be hinted, but also the connection of the whole with the general politics of the Union.

"At the commencement of the annual session of 1836-7, President Jackson had the gratification to make known to Congress the completion of the long-pursued policy of removing all the Indians in the States, and within the organised territories of the Union, to their new homes west of the Mississippi. It was a policy commencing with Jefferson, pursued by all succeeding Presidents, and accomplished by Jackson. The Creeks and Cherokees had withdrawn from Georgia and Alabama; the Chickasaws and Choctaws from Mississippi and Alabama; the Seminoles had stipulated to remove from Florida; Louisiana, Arkansas, and Missouri, had all been relieved of their Indian population; Kentucky and Tennessee, by earlier treaties with the Chickasaws, had received the same advantage. This freed the slave states from an obstacle to their growth and prosperity, and left them free to expand and to cultivate, to the full measure of their ample boundaries. All the free Atlantic states had long been relieved from their Indian populations, and in this respect the Northern and Southern states were upon an equality.

"The result has been proved to be, what it was then believed it would be, beneficial to both parties, and still more so to the Indians than to the whites. With them it was a question of extinction, the time only the debateable point. They were daily wasting under contact with the whites, and had before their eyes the eventual but certain fate of the hundreds of tribes found by the early colonists on the Roanoke, the James River, the Potomac, the Susquehannah, the Delaware, the Connecticut, the Merrimac, the Kennebee, and the Penobscot. The removal saved the southern tribes from that fate; and in giving them new



and unmolested homes beyond the verge of the white man's settlement, in a country temperate in climate, fertile in soil, adapted to agriculture and to pasturage, with an outlet for hunting, abounding with salt water and salt springs—it left them to work out in peace the problem of Indian civilisation.

“To all the relieved states the removal of the tribes within their borders was a great benefit,—to the slave states transcendentally and inappreciably great. The largest tribes were within their limits, and the best of their lands in the hands of the Indians, to the extent, in some of the states—as Georgia, Alabama, and Mississippi—of a third or a quarter of their whole area.”

Our senator then proceeds to eulogise the Northerns for their support and assistance in accomplishing this great object. “Northern votes in the Senate,” he says, “came to the ratification of every treaty; and to the passage of every necessary Appropriation Act in the House of Representatives. Northern men may be said to have made the treaties, and passed the Acts, as without their aid it could not have been done, constituting, as they did, a large majority in the House, and being equal in the Senate when a vote of two-thirds was wanting.” It became the representatives of the North, in both Houses, to consider the real force and worth of this eulogy, and the facts disclosed by it; that their share in the direction of the future affairs of the Union might be marked by some other and larger signs than the passage of Southern measures; as the next paragraph will show.

“Thus the area of slave population has been almost doubled in the slave states, by sending away the Indians to make room for their expansion; and it is unjust and cruel—unjust and cruel in itself, independent of the motive—to charge these Northern states with a design to abolish slavery in the South. If they had harboured such a design, if they had been merely unfriendly to the growth and prosperity of these Southern states, there was an easy way to have gratified their feelings, without committing a breach of the constitution or an aggression or encroachment upon these states: they had only to sit still and vote against the ratification of the treaties and the enactment of the laws which effected this great removal. They did not do so,—did not sit still and vote against their Southern brethren. On the contrary, they stood up and spoke aloud, and gave to these laws and treaties an effective and zealous support.

“And I,” continues Benton, in his grandest manner, “I, who was the Senate's chairman of the Committee of Indian Affairs at this time, and know how these things were done, and who was so thankful for Northern help at that time; I, who know the truth, and love justice, and cherish the harmony and union of the American people,—feel it to be my duty and my privilege to note this great act of justice from the North to the South, to stand in history as a perpetual contradiction of all imputed design in the free states to abolish slavery in the slave states. I speak of states, not of individuals or societies.”

Without staying to unravel this semi-sophistical eulogy of the North; and passing by all else in it which might on another occasion demand comment; we here remark solely, that the North should have pondered well the meaning of this fervent praise, and have determined whether it would accept it, and endorse all that is implied in it.

Mankind have always made a great mistake about the advantage of mines of

the precious metals to a country. It is a very natural mistake, but it is not lessened, nor are the consequences alleviated, by this consideration. The experience of countries possessed of this sort of mineral wealth directly contradicts this common error, and refutes it. In fact, mines of coal and iron are far more valuable than gold mines; and industry and skill in the people surpass even coal and iron. Where these are, coal, iron, gold, and all that is useful, desirable, or costly, will surely be found: but the possession of gold guarantees a country nothing beside the influx of daring and not very scrupulous adventurers. The recent history of California and Australia presents no difference from that of earlier known gold-producing regions, than the present prevalence of steam communication will not fully account for. But it is not of such El Dorados as these that we have now to speak; the gold mines of Georgia, North Carolina, and Virginia, were on a far smaller scale, although they made some stir in their day.

The gold mines were, in some cases, mines in the proper sense of the term; in other instances the metal was obtained from the vegetable soil, in the form of flakes and dust, by washing; and in others, from the alluvium of the streams. The latter modes of obtaining gold were generally the most profitable; the labour of working the veins, crushing the quartz, and separating metal from the ore by quicksilver—for which expensive machinery was wanted—preventing the realisation of anything that could be called a clear profit. But the most monstrous exaggerations of the “yield” rendered it difficult to ascertain the genuine facts;—thus, certain mines in North Carolina were estimated to produce the worth of 5,000,000 dollars in a year; the report of the legislature showed that the produce of all the mines was not more than a tenth part of that sum. At first the greater part of the gold was sent to Europe, and particularly to Paris, but afterwards the quantity coined in the United States was very considerable; and this encouraged the efforts of the “Hard Money” party to alter the character of the currency.

“The chief miners (I mean labourers),” says an account of the North Carolina gold region, in 1831, “are foreigners—Germans, Swiss, Swedes, Spaniards, English, Welsh, Scotch, &c. There are no less than thirteen different languages spoken at the mines in this state! And men are flocking to the mines from all parts, and find ready employment. Hundreds of landowners and renters work the mines on their grounds on a small scale, not being able to encounter the expense of much machinery. The state of morals among the miners or labourers is represented to be deplorably bad.”

Companies, both domestic and European, were engaged in working some of these mines. This was the case with those of Georgia; which, as we said above, were found in the Indian territory, and prodigiously quickened the endeavours of the state to get rid of its aboriginal population. They did not prove so productive as they were expected to be. It seemed that in some places the mines had been worked in some very remote time; and earthen crucibles were found of a much more durable kind than those which the miners could now procure. In the mining districts, and especially in those of North Carolina, which were by far the most valuable, gold dust formed a species of local currency. It was carried in quills, and weighed out in small scales, which each man was



provided with. The discovery of the Californian gold mines put a stop to the working of the less productive of these; though many of them remained in full operation.

The trade and agriculture of the South exhibit marked differences from those of the North. Many glimpses of the commercial history of the South at this period have been afforded in the preceding pages; but a few particulars may be added. The progress of the cotton trade is the most remarkable fact under this head. The whole crop in the year 1829 was estimated at eight hundred and fifty-eight thousand bales; in 1840 it had risen to two millions one hundred and seventy-eight thousand! The value of the exports of cotton, in the same period, had increased from 26,500,000 to nearly 64,000,000 dollars. But the crop of the last year was an unusually heavy one, exceeding both in quantity and value that of many subsequent years. The exports of sea island cotton varied irregularly during those years from about five million one hundred thousand pounds to above twelve million eight hundred thousand pounds.

The silk trade, though not confined to this section of the Union, was most diligently cultivated here; and it throve to such an extent, that it even had a literature of its own; and speculations in raising silkworms and growing mulberries, and "the *multicaulis* speculation," beyond all others, "became a mania," until the bank panic, and the stoppage of the local banks in 1839, which very considerably checked the application of capital in this direction.

Louisiana, which was the outlet for all the produce of the valley of the Mississippi, showed a vast increase in its exports in these twelve years; those for 1829 being valued at nearly 12,500,000 dollars, those for 1840 at above 34,000,000 dollars. Its imports were worth in the former year above 6,750,000 dollars; in the latter year under 10,750,000 dollars. The exports of Maryland fluctuated between 3,500,000 dollars and 5,750,000 dollars in value; its imports rose occasionally from the same minimum to above 7,750,000 dollars in value, in the course of the period now under review. In South Carolina the exports show a minimum of 6,500,000 dollars, and a maximum of 13,500,000 dollars value; whilst the imports fluctuated between 1,000,000 and 3,000,000 dollars. Of the tonnage of these states we have already spoken. And from these intimations a notion, sufficiently clear for the purposes of this history, can be gained of the progress of the Southern states, and its characteristics. Other signs will show more plainly when they have reached greater maturity.

Slavery, we said, was the other one of the two political dogmas which, in the times of the presidency of Andrew Jackson and his successor, was, by much state legislation and other means, corroborated, so as to be thereafter, more than ever before, the cardinal principle of the South. And it will not occupy a great space to exhibit this. It has been impossible to avoid the frequent mention of this subject already; whence what we have now to say of it may be the more condensed.

These are some of the additions to, and modifications of, the slave code, dating from this time. Georgia passed a law in 1832, imposing a quarantine of forty days on all vessels having free coloured persons on board; and prohibiting every kind of intercourse with such vessels to coloured persons, whether slave or free; precisely as if "colour," even when not associated with thralldom

conveyed a sort of contagion; or as if non-intercourse for forty days would obviate the ill effects of it. Truly, if slavery is (as we know) cruelly logical and self-consistent, regarded from its own "stand-point," in relation to all other human things and interests, it is as cruelly illogical and inconsistent. How will after times believe that a free coloured person on board any vessel entering the port of Savannah subjected it to a forty days' quarantine? The same law rendered the circulation of "pamphlets of evil tendency amongst domestics" a penal offence, and equally so the teaching of persons of colour, both bond and free, to read! And it further prohibited the introduction of slaves into the state for sale.

Louisiana, in like manner, forgetting the humanity of its own *Code Noir*, passed a law for the expulsion of free persons of colour, within sixty days of notice given, under penalty of imprisonment with hard labour for a year, and the further penalty of imprisonment for life, if they should not quit the state within thirty days after the expiration of their sentence. If brought into the state by any vessel as seamen, and not departing with it, or remaining more than thirteen days in the state if the vessel should not depart, free persons of colour were to become subject to that abominable law. It was also made an offence, punishable by imprisonment for not less than one nor more than twelve months, to teach a slave to read or write.

Kentucky—under some Hibernian inspiration, one is fain to hope—authorised the sale of slaves ill-treated by their owners, after proof of the facts.

Virginia passed a law which made free persons of colour, who remained in the state contrary to the law, liable to be sold; declared meetings of such free persons to learn reading or writing unlawful, and ordered them to be dispersed, and the offenders punished by corporeal chastisement.

Delaware prohibited all meetings of free coloured people exceeding twelve in number after ten at night, unless under the direction of three white men, under a penalty of 10 dollars.

Alabama enacted a law fining "any person attempting to teach any person of colour to spell, read, or write," not less than 250 dollars, nor more than 500 dollars.

North Carolina passed the following law:—"If any person shall wickedly, willingly, and feloniously carry, convey, or conceal any slave, the property of any citizen or citizens of this state, without the consent, in writing, of the owner, with the intent of enabling such slave to effect an escape out of this state, every such person shall suffer death without benefit of clergy."

Mississippi, by law, required all free coloured persons to leave the state within ninety days from the date of the passage of the Act, under penalty of five years' servitude.

In Virginia, near the close of 1831 and the beginning of the subsequent year, a movement in favour of emancipation was made in the legislature; but after a long debate, as animated, but not as acrimonious, as those of Congress on the same subject, this incongruous preamble and resolution were adopted by a scanty majority:—

"Profoundly sensible of the great evils arising from the condition of the coloured population of this commonwealth; induced by humanity as well as



policy to an immediate effort for the removal, in the first place, as well of those who are now free as of such as may hereafter become free; believing that this effort, while it is in just accordance with the sentiments of the community on the subject, will absorb all our present means; and that a further action for the removal of the slaves should await a more definite development of public opinion;—

"Resolved, as the opinion of this committee, that it is inexpedient for the present to make any legislative enactments for the abolition of slavery."

So there was a bill passed in the House of Delegates for the regulating the removal of "free negroes, or such as might become free;" which, either because it was too liberal for a slave state, or for some other reason which could not be admitted as such north of Mason and Dixon's line, was lost in the Senate; and thus both emancipation and removal were indefinitely postponed. Maryland carried a measure for the removal of its free coloured population, by means of the colonisation or Liberia scheme.

One feature of this twelve years was the frequency of slave insurrections; but, as is always the case with despotisms, it is extremely difficult to ascertain any particulars. Sometimes the only authentic record is the preamble to some Act of increased stringency or novel policy against the servile population; sometimes an announcement like this implies what we shudder to think of:—"October the 30th, 1831. Nat. Turner, the ringleader of the slave insurrection in Southampton County, Virginia, taken;—executed, November the 11th." Other notices of this Southampton affair call it a "massacre," as about seventy whites, it was alleged, fell victims to Turner and his followers.

"Lynch law," as we have seen in many instances, was freely put in force, on the ground that the Northern states were attempting to excite the negroes to insurrection, by incendiary papers transmitted through the post. The post-masters, we saw, assumed the functions of their office in the despotic states of Europe, and stopped all publications and journals legally transmissible through the post, on the ground of their being calculated to rouse a rebellion amongst the slaves. At Livingston, in Mississippi, two persons alleged that they heard two negroes conversing about an intended insurrection; straightway the two wretched beings were seized, and examined before a meeting of the whole county, but the evidence being insufficient, they were remanded for further examination. Next day the citizens bethought themselves of the danger of a revolt of their thralls, and fear operating in the stead of a conviction of these two accused negroes, they were torn out of the prison and hung without ceremony.

"Forthwith," says the annalist, "a committee was organised, consisting of thirteen of the most wealthy and respectable farmers. To this committee of farmers was committed unlimited power to deal as they thought fit with all suspected persons, whites or negroes,—to try, condemn, and execute, at their pleasure; the citizens unanimously pledging themselves to support them in all their acts. Parties of horsemen were immediately sent out to scour the country in search of suspected persons, and every man was a suspected person who was suspected of holding opinions unfavourable to slavery. There was no want of victims, and the law of this 'revolutionary tribunal' secured the sacrifice; for its principle was, that they themselves firmly believed the accused

to be guilty, however insufficient the evidence might be in a court of justice, and were determined that none of them should escape by having the benefit of the law. A scene of mere butchery followed during several days. Both white men and negroes—white men, too, belonging to other states—were hung up without remorse, often within a few hours after they had been apprehended.” A similar dissolution of society and contempt of constitutions and laws, the Union and humanity alike, was witnessed in other slave states; and the worst ordinary acts of club law and violence were outdone by this frantic and panic outbreak against a suspected servile conspiracy and rebellion. We do not find the Federal authorities, nor the state authorities, taking any effectual notice of these things; indeed, the facts were scarcely known to them, being misrepresented and coloured, as is the custom universally in relation to such affairs.

Of riots requiring military force for their suppression, of duels and assassinations (and there were instances only too numerous of all these violations of social order), we cannot say much here. It must be understood that such things are natural fruits of slavery; for the free scope given by slavery to the indulgence of every fiercest passion, on the one hand, and on the other the apparent necessity laid upon every slave-holder and overseer to wear arms for self-defence (in which they must of course be imitated by all the whites), are conditions which cannot fail to have such results. The annals of Arkansas record one outrage of unparalleled atrocity: the murder of a member of the legislature on the floor of the house, by the chairman himself! And yet this horrid deed was transcended by the acquittal of this miscreant with triumphant *éclat*,—not only the laws, but justice and veracity, being scandalously violated, to screen the perpetrator of a crime which each man felt himself prepared at any moment to commit. This was not the only instance in which murderers were assoiled by the mere form of a trial, and were honoured by a popular ovation: the shocking significance of which facts is patent enough to every mind.

Of the progress of the Mormons, and the incidents attending it, we cannot speak now. And we must pass by, with this most casual mention, the two destructive fires in the capitol at Washington. The picture of life in the back-regions of the south, contained in the Memoirs of Colonel David Crockett, its hardships, dangers, romance, and the independence nurtured by it, we must leave our readers to study for themselves; and can only recommend it here, all the more heartily that the Colonel was a genuine democrat, and not a blind partisan,—or, as he himself says, not wearing a collar engraved “Andrew Jackson, his dog.” His death in one of the Mexican massacres of the Texians, has been already noticed. For the story of Texas, and its relations to the Southern states, and how they looked upon the “Lone Star” with longing eyes, and were deterred by no scruples or fears from making it their own by the most open and audacious filibustering, we refer to a former chapter, where it has in part been declared; the remainder of the tale will be found in the next Book.

By way of noting the stage in the progress of these Southern states now attained, so that our readers may compare it with earlier stages, and with others afterwards reached, we transcribe from a trustworthy source the following paragraphs. The date of the observations is 1832; and the political principles of the writer are obvious enough, but do not lessen the value of his generalisations.



“Society there is divided into two great classes,—the proprietors of the soil, and the slaves who cultivate it. There are indeed some smaller classes, such as overseers, who are dependent on the planters; and factors and merchants, who facilitate the transportation of produce to market. The most important and influential class, however, is composed of planters, and they completely control the policy of that portion of the Union.

“From the low intellectual condition of the slaves, it follows that their labour can be more easily employed in cultivating the soil than in mechanical pursuits. It requires but little pains to teach a negro to dig, to sow, and to reap; and so long as the cultivation of the fertile soil of the Southern states can be profitably followed, it would be idle to expect that any attempts will be made to instruct the negroes in the more intricate arts of the workshop. Agriculture or planting, therefore, is not only the chief, but almost the sole, employment of the South; and owing to the debased character of those employed in cultivating the earth, a large portion of society is devoted to idleness; because education and public opinion have attached a kind of degradation to all engaged in what has hitherto been the chief employment of that portion of the Union.

“This exemption from labour, while it affords leisure for the acquisition of the more elegant accomplishments, and the urbane manners of gentlemen, tends still further to remove this class from the agricultural labourers, and renders it an entirely unproductive class, by preventing the acquisition of habits of industry.

“The planters, in process of time, thus become unenterprising and indolent, and the whole community is supported by the labour of a part, and, in the case referred to, of scarcely two-fifths of society. The fertility of the soil and the high price of their peculiar productions have hitherto enabled those states to prosper, notwithstanding the disadvantage of so large a portion of their population remaining unemployed, and the residue being engaged solely in agriculture.

“No efforts, consequently, have been made to divert their productive labour to other pursuits; and none probably will be made, until a low rate of profits in agriculture shall, by rendering the planters poor, compel them either to labour themselves, or to devise new modes of employing their slaves. Until necessity furnishes a spur to invention, they will not readily believe that a subsistence can be obtained except by planting; and their whole domestic and external policy will be, as it hitherto has been, governed by considerations resulting from this peculiar structure of society.”

Then, after speaking of the circumstance of the plantations being situated, for the most part, on the banks of the numerous navigable rivers, by which their produce is carried to the sea for shipment to the foreign markets they supply—whence it follows that good roads and canals are not so much needed as where the pursuits are more varied, and where domestic industry supplies so much larger a proportion of the domestic wants—our authority proceeds:—

“These circumstances have given to the planting states a settled policy, which aims only to foster and sustain their own peculiar branch of industry, and finds no desirable object to be attained in the application of the national funds to construct works of internal improvement, which can only result in bringing

plantations in the interior of the country as competitors into a market already overstocked.

"The same reluctance is evinced in aiding any of the peculiar objects of the patronage of the Federal government; and the army, the navy, the system of fortifications, and generally all those measures which aim at protecting and cherishing the great national interests, have not recommended themselves to the favourable consideration of the public men from that portion of the Union. Their interests, therefore, incline them to anti-Federal principles, and it is in those states that the policy, which the developing strength and interests of the country have compelled the general government to adopt, has been denounced as a violation of the Federal compact."

From these sketches some general notion may be gathered of the effect of this period of Democratic rule upon the United States. Other indications will appear when we trace the progress of the Union and of the states under the next administration.

Jefferson called his remarkable election to the presidency, "the Revolution of 1801." Imitating him, Henry Clay named the success of General Harrison, "the Revolution of 1840." Arrogant though Jefferson's meaning was, he had good grounds for what he did. And in the same manner Andrew Jackson might have celebrated his triumph as "the Revolution of 1829," for there was a radical and strongly pronounced change in the policy, both domestic and foreign, of the United States, as soon as he assumed the chair; just as when Jefferson took the helm which Washington's hand, or spirit, had till then guided. But, owing to the death of Harrison immediately after entering on his office, the administration fell under the control of one who, besides having no clearly apprehended political faith, was too much swayed by his desire to stand well with all men, and too wilful also to be able to put in practice and enforce the creed of the party which raised him to power. And, in consequence, the traditions of the strong rule of Jacksonian Democracy possessed great influence with the government,—greater than those of Jefferson's or of Washington's policy, because less remote in time. Jackson's rule, too, had been so absolute, and his "platform" was so concrete and practical, that none but a man equal to him in strength, and transcending him in genius and honesty, could have given to the minds of men a new direction, and lifted affairs out of the rut which he had worn. So that the election of 1840, which put the Whigs in office, changed the party indeed, and the men who were in high places at Washington, but effected no alteration in the measures of government, nor in the principles on which they were based; and this cannot be called a Revolution.

Nevertheless, when Van Buren was rejected by the country, there was great need of a change so sweeping as to merit that name. And there has been need of it since; the spirit of Jackson's "Reform" having long retained its supremacy in the Union. Constitutions are but theories unless they are faithfully acted upon by all concerned, from the humblest citizen to the chief executive magistrate. And even when carried out with the most scrupulous exactness, they may be hindered from securing the end contemplated by those who framed them—the public good—by the substitution of party for the nation, and by allowing numerical majorities to wield the force and shape the policy of the



country. Wherever this happens, there are the conditions and the forerunners of every kind of political corruption, nay, political corruption itself in its most concentrated and virulent form ; and accident alone, or social circumstances unconnected with politics, will determine whether tyranny or anarchy shall be the issue.

Happy will it then be for the world if, by one or the other of these terrible processes, either moral soundness be attained, or the incurable corruption removed from the face of the earth ;—but happiest of all is it, when a people in such evil case, discerning the obliquity of its national career, dares to return to the right track, and to seek the noblest ends for which states exist, by the purest courses. Whether the American States shall thus be delivered from the tyranny of party majorities, under which they have lain ever since these administrations, depends upon those wisest and best of their citizens who, scattered through every state of the North and South, and not confined to any one party in politics, or to any single section amongst the diverse interests of the country, see and deplore these things. If they remember and do the duties which are incumbent on them personally, as American citizens, forgetting custom, favour, party, interest, compromise, and everything except their duties, then the first step will be taken in that path whereby alone nations can reach that splendid pre-eminence which, by conquest, commerce, arts, and laws, so many states have in vain striven to gain,—the universal ambition to arrive at which demonstrates it to be worthy of men's endeavours, because implanted in their hearts by Him who in the old times chose and instructed His “peculiar people,” for this especial end, “to make it *high above all nations which he had made, in praise, and in name, and in honour.*”

## BOOK IV.

### THE ADMINISTRATION OF HARRISON AND TYLER.

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#### CHAPTER I.

NATIONAL AFFAIRS DURING THIS PERIOD.—DEATH OF HARRISON.—EXTRA SESSION OF CONGRESS.—NATIONAL BANK SCHEMES.—BANK VETOES.—CHANGES IN THE CABINET.—THE WHIG MANIFESTO.—M'LEOD'S TRIAL.—TEXIAN FILIBUSTERING.—THE NEW TARIFF.—THE EXCHEQUER PLAN.—TREATY OF WASHINGTON.—RIGHT OF SEARCH.—THE BRIG "CREOLE."—SETTLEMENT OF THE NORTH-EAST BOUNDARY QUESTION.—THE OREGON QUESTION.—TREATY WITH CHINA.—SYMPATHY FOR IRELAND.—THE "NATIVE AMERICAN" PARTY.—ANNEXATION OF TEXAS.—ELECTION OF JAMES KNOX POLK.

WHILST the time over which our story has extended was proceeding, death was busy. The generation that had achieved the liberation of America, all, save some few and undistinguished individuals, had passed away: the last surviving signer of the Declaration of Independence, Charles Carroll, expired in November, 1832; and Jackson was the last President who had known anything of the great struggle as it was passing. Van Buren was born in the year before the end of the contest; General Harrison first saw the light in the year before matters proceeded to an open rupture, and he occupied the President's chair only a month. His successor was not born till Washington had been for a year at the head of public affairs. Clay, Calhoun, and Webster were all born during the Revolutionary war. Thus the conduct of public affairs had passed into the hands of the men to whom the noblest passage in the progress of their country was only a tradition, and who yet were not far enough removed from it so to view it as to draw from it the lessons which history only can impart. We have observed a great change coming over the temper of the country whilst this change in the *personnel* of its statesmen and politicians was noiselessly going on; can we doubt that, amongst the causes of that change, this departure of the men who were trained under colonial rule, and of those who were trained by them, ought to be esteemed one of the most influential?

The new President reached Washington in the course of the month of February, 1841, and on the 4th of March was inaugurated as the chief magistrate of the Union. Whilst the Senate was receiving the oath and the address of the Vice-President, General Harrison, "mounted on a white charger," with befitting pomp, and amidst the gratulations of a crowd gathered together from every portion of the country, was conducted in glad procession to the Capitol. There, from a platform erected for the occasion at the east front of that building, surrounded by the diplomatic corps, a great throng of legislators, officers of the army and navy, and ladies, he delivered to the prodigious concourse before him his inaugural address, and in their sight took the oath of office. We may pass over the "deafening shouts" and "pealing cannon," the



procession to the White House, the private receptions there outdoing the *levées* of royalty in the number and distinction of the visitors, and the various ball-rooms and assemblies at which the President was seen in the evening. These matters, so interesting to the journalist of the time, and to the antiquarian student of after days, unless they display any peculiar and strongly-marked features, cannot be dwelt upon by the historian.

Neither will it be possible for us to linger over the address, which was of unusual length, for circumstances have deprived it of direct interest for us. He adverted to the enhancement of the power of the executive, as we can imagine a Whig to do, and expressed the hope that the President would either be made ineligible for a second term of office, or would abstain from offering himself as a candidate; he commented on the veto power of the executive in a most unfriendly manner; the patronage of the President he represented as hostile to the power of the states severally, and averred that it made that officer almost the "monarch" of the Union; the withholding of the control of the Treasury from him alone prevented his becoming what Jefferson had predicted; "and it was an error," said Harrison, "not to make the head of the Treasury entirely independent of the executive." He pronounced against the "hard money" scheme; glanced at the government of the territories, and of the district of Columbia; deprecated the tyranny of the states, and of unconstitutional association over the national government; recommended forbearance; declaimed against usurpers; promised to conduct foreign relations, and those with the Indians, wisely; condemned party spirit; and pledged himself "to discharge all the high duties of his exalted station according to the best of his ability."

His choice of a cabinet, though partisan, promised well. Daniel Webster was made Secretary of State; Thomas Ewing, Secretary of the Treasury; John Bell, Secretary of War; George E. Badger, Navy Secretary; Francis Granger, Postmaster-general; and John J. Crittenden, Attorney-general; the Senate having at once confirmed all the nominations. Other vacancies were filled up without delay; and a proclamation was issued, summoning Congress together for an extra-session on the 31st of the following May.

Nothing more than this was allotted to Harrison to do. At the inauguration, his health and vigour, his advanced years being considered, had attracted much notice; but he had not sufficient strength for the harassing toils of government. Beset with office-seekers, anxious to gratify his friends and yet to save his party, bent upon obtaining popularity for the Whigs, that they might not lose their ascendancy, he gave himself up to public and official business day after day, from sunrise to midnight, without cessation. Three weeks of this excessive activity had not gone by, when he seemed to have taken cold, and the symptoms grew ever worse, till, on the 27th of March, there was some appearance of fever. The battle for life lasted till the 4th of April, and then pneumonia, in which the attack had resulted, terminated his busy and honourable life. As if in proof of the real cause of this sudden departure, it has been recorded that his last words, spoken after he had ceased to be conscious of immediately surrounding things, were these:—"Sir, I wish you to understand the principles of the government; I wish them carried out; I ask nothing more."

So short had the mortal illness of the President been, and so unexpected,

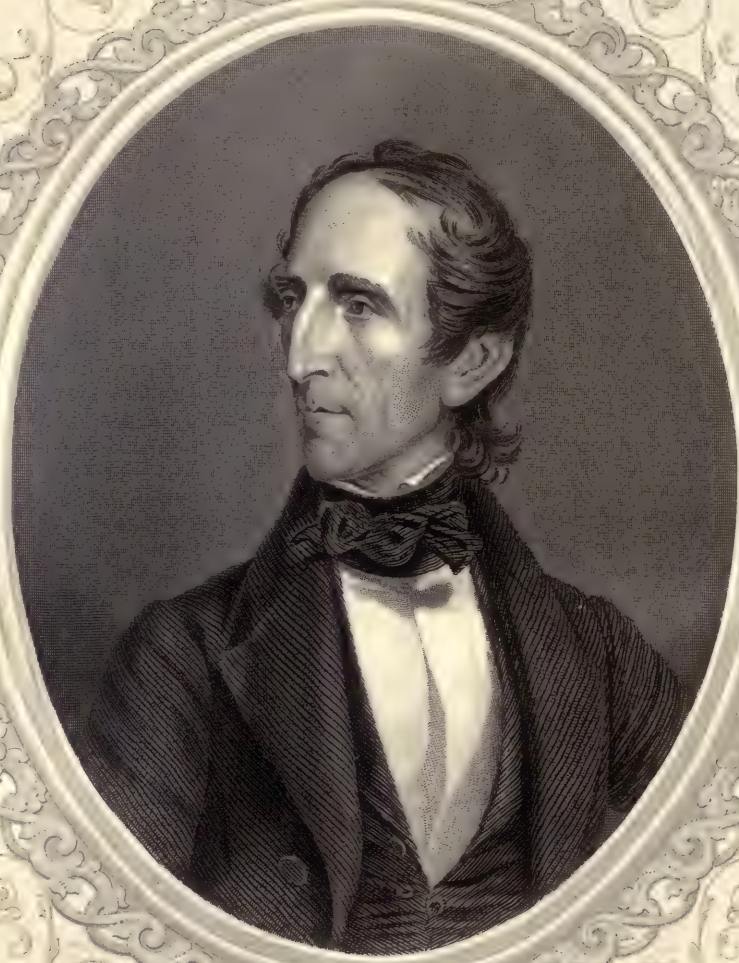
that the tidings of his decease struck all who heard it with a species of panic. It was the first instance of a President dying in office. There were many matters of great moment that might be grievously unsettled by this event. For the Whigs it was a heavy blow and a great discouragement: Harrison was the one man of their party in whom all could agree; whose eminence was just enough to constitute a reason for using him as their representative; and who, not being a statesman like Webster and Clay, had not a powerful opposition in their own ranks to encounter. Of Tyler it is enough to say that they made him Vice-President; for though one of them, he was not the one whom they would have selected for the principal executive office. Behind the grandiloquent description of the "general and profound sensation of surprise and sorrow" occasioned by the President's death, we see such things as these.

Tidings were immediately despatched to the Vice-President, and he, with extraordinary diligence, reached the seat of government on the 6th of April; and at once assembling the heads of departments, requested them all to continue in the exercise of the functions they had been charged with by his illustrious predecessor. He then, for the sake of preventing all occasion of future trouble, took and subscribed a new oath of office before the chief judge of the circuit court of the district of Columbia, and assumed the presidency. On the 7th the funeral of General Harrison took place, and was attended by a prodigious concourse of people from every corner of the Union, who forgot party distinctions, and heartily joined in doing honour to the dead. And a day of fasting and prayer, recommended by the new President, and universally observed, afforded an opportunity for the expression of sorrow for the deceased chief magistrate, and of the profound sense of the instability of human greatness inspired by his death.

Two days after this affecting solemnity, Tyler issued an address to the people of the Union. In it he first referred to the fact of his accession to the presidency; and representing the election of Harrison as specially designed "to correct and reform all such errors and abuses as had manifested themselves from time to time [meaning, of course, under the two preceding administrations] in the practical operation of government," he announced his intention of labouring to accomplish that design, and his expectation that "the spirit of faction, which is directly opposed to the spirit of a lofty patriotism, might find in this occasion for assaults on his administration." Then, by way of giving an "exposition of his principles," he defined the "groundwork" of his foreign policy to be "justice on our part to all, submitting to injustice to none;" respecting Jackson's *reform*, without incurring the odium of personality, he bewailed the increase of presidential patronage as tending to spread "an army [as Clay had already called them] of office-holders over the land;" and spoke of "the right to remove from office, subjected to no just restraint, as inevitably destined to produce a spirit of crouching servility with the official corps, which, in order to uphold the hand which feeds them, would lead to direct and active interference in the elections, both state and Federal, thereby subjecting the course of state legislation to the dictation of the chief executive office; and making the will of that office absolute and supreme;"—pledging himself to "remove no incumbent from office who had faithfully and honestly acquitted







Drawn by Cha<sup>s</sup> Fenderson

Engraved by Cha<sup>s</sup> Roll



The President's House

from the River

John Tyler



himself of the duties of his office, except in such cases where such officer had been guilty of an active partisanship, or, by secret means—the less manly, and therefore the more objectionable—had given his official influence to the purposes of party, thereby bringing the patronage of government in conflict with the freedom of elections ;” and honestly enough confessing that “numerous removals might become necessary under their rule ;” pledging himself likewise to maintain a wise economy, to abolish sinecures, and to punish peculating agents ; and he concluded by a homily to the branches of the government, and the office-holders under them, announcing his determination “to exert himself to carry the foregoing principles into practice,” and to confide “in the protecting care of an ever-watching and overruling Providence ;” and to consider it his chief duty “to preserve unimpaired the free institutions under which we live, and transmit them to those who should succeed him in their full force and vigour.”

President Tyler, it is universally acknowledged, did not falsify *one* passage in his “Inaugural.” There were “numerous removals” made ; and no other principle or rule seemed to be observed in effecting them than that which Jefferson invented and Jackson first put in force, namely, the possession of the power to gratify political friends and to punish political enemies, and the necessity for doing both if the cause were to thrive. As for the country and the public service, we are not aware that they were ever thought of, except when speeches had to be made. It was with Tyler, as it had been with Jackson—*party*, “first, last, midst, and without end ;” and by his party, as Jackson had been by his, he was applauded as patriotic and impartial. Jefferson never claimed such credit for his scheme of party-patronage.

As the new President did not countermand the order convening Congress for an extra-session, the legislature came together on the 31st of May. The strength of the administration, although all the elections were not made (and Mississippi had no representatives during the whole extra session), was shown in the choice of John White by a hundred and twenty-one votes against eighty-four given to J. W. Jones, and sixteen scattering ; and on the next day the Message was sent.

Of the foreign relations of the Union a very satisfactory account was given. A treaty with Portugal had been duly ratified. The claims upon Spain seemed in a fair way of being settled. The M’Leod business was approaching a final decision. “And,” added the President, with great good sense, “the time ought to be regarded as having gone by, when a resort to arms is to be esteemed as the only proper arbiter of national differences.” Under the head of domestic affairs, this paragraph is of the most importance, on account of its connection with subsequent events :—

“We hold out to the people of other countries an invitation to come and settle amongst us, as members of our rapidly-growing family ; and for the blessings which we offer them we require of them to look upon our country as their country, and to unite with us in the great task of preserving our institutions, and thereby perpetuating our liberties. No motive exists for foreign conquest. We desire but to reclaim our almost illimitable wilderness, and to introduce into its depths the lights of civilisation. While we shall at all times be prepared to vindicate the national honour, our most earnest desire will be to maintain an unbroken peace.”

And yet we shall find a "Native American" party growing up in these very years—the germ of the great "Know-Nothing" organisation; we shall find Texas annexed in these very years; and we shall see the foundation for the conquest of Mexico and California laid. Was it the statesman who was to blame, not foreseeing the immediate future? Or is this Message a mere state-paper, to be interpreted by the polarising light of circumstances and events? The suppositions are not incompatible; both may be true.

The allusions to a National Bank and to the inexhaustible subject of internal improvements, contained in the Message, were so ambiguous, that from them nothing of the President's real intentions could be divined. His own party, however, believed him to be with them on those points; notwithstanding certain semi-official announcements of his views contained in letters written just before his election. "My opinion," said he in one letter, "of the power of Congress to charter a Bank of the United States remains unchanged. There is not in the constitution any express grant of power for such a purpose; and it never could be constitutional to exercise that power, save in the event that the powers granted to Congress could not be carried out without resorting to such an institution." And on the other point he thus wrote:—"My votes are repeatedly recorded on the journals of Congress, against the power of Congress over the subject of internal improvement, in all its phases and aspects, as well in regard to roads and canals as to harbours and rivers."

Along with the Message was sent, as usual, the report of the Secretary of the Treasury; and it contained a warm recommendation of the establishment of a bank. "If," said the Secretary—speaking for himself alone, as it proved, although he was naturally regarded as speaking for the administration—"if such an institution can be so conceived in principle, and guarded in its details, as to remove all scruples touching the question of constitutional power, and thus avoid the objections which have been urged against those heretofore created by Congress, it will, in the opinion of the undersigned, produce the happiest results, and confer lasting and important benefits on the country."

There can be no doubt that the victory of Harrison and Tyler at the presidential election arose from the fact of their being regarded as pledged to the establishment of a National Bank; and as little doubt is there that, never contemplating the possibility of Tyler's elevation to the presidency by Harrison's death, the party had not been very careful to assure themselves that he agreed with them on that subject. Tyler himself seems to have had no very distinct or fixed views upon the question. He was a Virginian, rather than a Whig or a Democrat; the literal interpretation of the constitution was a fundamental dogma of his school, but the acquisition and the retention of power was allowed to supersede all dogmas, as Jefferson's conduct long ago showed us. It was a moot point whether the United States—that is, a majority of the voters—desired a National Bank, or were opposed to it; and probably enough the majority was at times in favour of, and at others hostile to, a bank. Hence, and hence only, can we account for the President's versatility. Before his election he was against; in the Message, doubtful; now he expressed the wish to more than one member of Congress that the Secretary of the Treasury should be called upon to report a plan for a bank, to supersede Van Buren's Sub-Treasury;



and, in consequence, he was most fairly considered to be friendly to a National Bank.

Ewing was invited, at Tyler's suggestion, by both Houses, and about the middle of June reported a draft of a bill for the establishment of "The Fiscal Bank of the United States." In its business details this scheme could not differ very widely from the old plans; but it differed in two features very remarkably, and it was understood that the President himself was the author of these portions of the Bill, which were designed to obviate the constitutional objections. They were, the proposal to incorporate the bank in the district of Columbia, where Congress had the power of a state legislature; and to give the bank power to establish branches only in such states as should assent to it by their legislatures. There were, of course, inserted many provisions, by which it was hoped that the abuses and corruptions alleged or proved against the former banks would be prevented.

In the construction of this plan, regard was had, not only to the probabilities of success with Congress, but to the opinions of the President; for he now seems to have been approaching the negative pole. As Daniel Webster afterwards remarked—"It was the part of wisdom, not to see how much of a case they could make out against the President, but how they could get on, as well as they might, with the President." And it was understood that Ewing's draft had the approval of every member of the cabinet, and was "acquiesced in by the President;" so that it became the great Whig measure, and the tenure of power by the party necessarily hinged upon the success of the Bill.

To the select committee on the currency, in the Senate, of which Henry Clay (by virtue of whose friendship, as everybody believed, Tyler was placed upon the Whig ticket for the vice-presidency at all, and on the second occasion successfully), was chairman, this draft was referred; and at the end of a week a report was presented, concluding with a bill, agreeing with the Secretary's in almost every part; differing from it chiefly on matters of detail, respecting the management of the bank, and its method of doing business; but differing also from it on the subject of the conditions of establishing branches in the several states. And upon this last point the chief discussion in Congress turned.

Ewing's bill authorised the directors to erect a branch in any state, the legislature of which should give its assent to the establishment; and when such a branch was set up, it was not to be withdrawn without the assent of Congress. And if no branch was erected, then the directors, with the approbation of the Secretary of the Treasury, might employ any individual, or local bank, as a correspondent or agent, to transact business, but not to arrange or grant discounts.

The bill of the committee, on the other hand, "made it obligatory upon the corporation to establish an office of discount and deposit in any state in which two thousand shares should have been subscribed, whenever, upon the application of the legislature of each state, Congress should require the same;" but the directors were also authorised to establish such offices in any state or territory, whenever they should think it expedient, without the assent of the legislature; or, as the Secretary had suggested, an agent or local bank might be employed, but not for discounts.

Tyler maintained that he could find in the constitution power for Congress to erect a bank, but not to establish a branch; and, therefore, that it was needful for Congress to obtain the consent of each state originally. Clay, on the contrary, insisted, that if the constitution did not confer power to establish branches, the assent of the states could not give it, and, therefore, that it was unconstitutional to attempt to derive power from the assent of a state. In Congress a large majority agreed with Clay; but the debate did not turn upon the difference we have noted. The question discussed was, in reality, "Cannot the President be gratified as to this notion of his regarding the assent of the states? Cannot Congress, if it find motive to do so, as a matter of expediency merely, waive and forego its right to establish a branch, and ordain that the right shall not be exercised except in such case as when a state may express a wish for a branch?"

Then of necessity arose a further question, "Is it expedient to establish such a precedent? Might it not be used hereafter to the prejudice of good legislation?" And widely did the different opinions vary from each other. So, as a last resource, Congress bethought itself of that one universal solvent of legislative difficulties—compromise; and it was settled, that "The directors should have power to establish a branch with the assent of any state, which, when established, should not be withdrawn without the consent of Congress;—provided, first, that the power to establish a branch should be unrestrained in respect to any state which should not, at the first session of its legislature after the passage of the charter, express its dissent; in defect of which, assent should be presumed;—and provided, secondly, that whenever Congress should deem it necessary and proper to the execution of powers granted by the constitution to establish a branch in any state, then Congress might require the directors to establish such a branch."

The devisers of this strange compromise circulated the statement that this settlement of the difference was in agreement with Tyler's views, and the Whigs, though generally opposed to the scheme, were persuaded by that argument; so that the bill passed by twenty-six to twenty-three in the Senate, and by a hundred and twenty-eight against ninety-seven in the Representatives; and on the 6th of August was sent for the President's approval.

From the 6th to the 16th of August the President retained the bill, and the excitement through the country was prodigious. The White House was thronged with visitors, all anxious to know whether the approval would be withheld, all anxious to give advice upon the matter. And the opposition was as numerous as represented amongst these gratuitous counsellors as the administration party. On the 9th the law by which the Sub-Treasury was established was repealed by a vote of a hundred and thirty-four to eighty-seven. Next day John M. Botts, of Virginia, addressed to the President such words of warning as these:—

"It is generally understood that you are to veto the Bank bill. If it be so, have you contemplated the consequence in all its bearings? Can your cabinet sustain you in the veto? Will they not be compelled to resign? . . . . The Sub-Treasury is repealed; and the deposit system is repealed in one House and will pass the other. Congress will not consent to take the plan suggested by the Secretary of the Treasury. Will you not find it impossible to carry on the government, and will not a resignation be forced upon you? On the contrary,



if you can reconcile this bill to yourself, all is sunshine and calm. Your administration will meet with the warm, hearty, zealous support of the whole Whig party, and you will retire from the great theatre of national politics with the thanks and plaudits and approbation of your countrymen."

Among the delegations from the Whig party which waited upon the President (for Tyler complained that his party stood aloof from him, wherefore they got up delegations enough to silence that complaint), was one from Ohio. This was upon the evening of the 13th of August. "They told him frankly what they feared; assured him of the earnest desire of the party to preserve harmony and good-will towards the President; represented to him the deep concern of the nation in the bank question. He protested his own intense feeling upon the subject; spoke, apparently with frankness, of the difficulties he felt in regard to certain points in the compromise section; suggested an amendment which would render this section acceptable to him; declared his entire freedom from all prejudice or extrinsic influence in regard to the measure; wept; promised to pray for guidance; and then asked, by way of remonstrance, 'Why did you not send me Ewing's bill?' 'Would you sign that bill?' inquired one of the delegation. 'I would,' was the reply." The Ohio members left him fully possessed with the opinion that the President was sincerely desirous to have such a bank as the minister had reported.

No one was surprised when at length, as the result of all this visiting and conferring, this protesting and weeping, on the 16th the bill was returned to the Senate with a message, the sum of which was "*Veto*." On two grounds he objected to the projected bank as unconstitutional,—its being intended to operate, as a bank, in every part of the Union, and its being a bank of discount. He objected, also, that it was not exclusively confined to the power of dealing in exchanges, which he considered to be perfectly constitutional, and, if conducted upon the plan of the old bank, eminently useful. And he regarded the security for the assent of the states to the establishment of branches, insufficient. And it was in respect of the provision for the establishment of branches only that these objections did not apply just as forcibly to Ewing's bill; of which Tyler was so much aware, that he privately sent word to the Ohio delegation, desiring to retract what he had said of his willingness to sign Ewing's bill, and recommending a plan for "a much better bank," "shadowed forth" in his *Veto* message, as one "long endeared to him."

Van Buren published a letter applauding the conduct of the President; but John M. Botts spoke more to the purpose in another epistle, which he declared was meant to be private and confidential, and therefore directed to "the Coffee-house" at Richmond, in Virginia, instead of to James H. Lynch, the proprietor of the said coffee-house.

"The President," said he, "has finally resolved to veto the Bank bill. It will be sent in to-day at twelve o'clock. It is impossible to tell precisely on what ground it will be placed. He has turned, and twisted, and changed his ground so often in his conversations, that it is difficult to conjecture which of the absurdities he will rest his veto upon. . . . Our Captain Tyler is making a desperate effort to set himself up with the Locofocos, but he'll be headed yet, and, I regret to say, it will end badly for him. He will be an object of execration with both

parties: with the one, for vetoing our bill, which was bad enough; with the other, for signing a worse one. But he is hardly entitled to sympathy; he has refused to listen to the admonitions and entreaties of his best friends, and looked only to the whisperings of ambition and designing mischief-makers who have collected around him. . . . You'll get a Bank bill, I think, but one that will serve only to fasten him, and to which no stock will be subscribed; and when he finds out that he is not wiser in banking than all the rest of the world, we may get a better."

"The excitement here," namely, at Washington, "is tremendous;" says the same writer, in addition, "but it will be smothered for the present." In several places the President was burnt in effigy.

A vote of twenty-five on each side, in the Senate, showed that the friends of the bank were unable to carry their bill in face of the President's veto; it consequently became needful at once to discover what could be done to recover the lost position of the party, and secure a bank for the country. Attentively considering the Veto message, it appeared to them that an institution restricted to the dealing in exchanges, and disabled from dealing in local discounts, was the sort of bank that Tyler spoke of with such affection. But to preclude the possibility of mistake, two members of Congress, of the highest standing—John M. Berrien, of Georgia, from the Senate, and John Sergeant, of Pennsylvania, from the other House—were deputed by the Whigs to ascertain whether it were so. These gentlemen had an interview with the President, and learned that he was in favour of precisely the kind of bank they had supposed; and thereupon a bill was drawn in conformity with the outlines they had gained.

It was on the 18th of August, two days after the veto, that this interview took place; next day the bill was prepared, and "to make assurance doubly sure," submitted to the President through the Secretary of State, approved by him, and returned. On the 20th, Sergeant introduced it into the House of Representatives, as an amendment to some bill then pending in a committee of the whole; and after due debate it passed on the 23rd, without the alteration of a word, by a majority of a hundred and twenty-five against ninety-four. In proof of the anxiety of Congress to meet the wishes of the President, it may be mentioned that in this bill the institution was not entitled a bank at all; but "The Fiscal Corporation of the United States." The Senate passed it without amendment, on the 3rd of September, by twenty-seven to twenty-two.

Whilst this bill was proceeding through Congress, the *Madisonian*, the official paper of the Executive at Washington, published that letter of John M. Botts which we gave an extract of above, announcing as a reason the desire to fore-arm the President against the designs of his own party. And all the confusion which the veto had occasioned in their ranks was instantly increased ten-fold. Daniel Webster explained that Tyler hoped, when he vetoed the Bank bill of the Senate, that the subject would have been postponed; and Botts' letter seemed to disclose, in the diligence with which the new bill was pressed forward, the intention of "heading" the President, or of forcing him to express himself positively, in one way or the other, not of compelling him to adopt any measure against his own convictions, as Webster suggested, nor yet (though it too was alleged) a factious plan for circumventing him.



Having this excuse now for regarding the new bill as a trick for putting force upon him, and forgetting that he had seen the bill and approved it before it was brought into Congress, Tyler detained it six days, and on the 9th of September returned it to the House of Representatives, with a message vetoing it also. In the debate which ensued, a hundred and three voted in favour of it, and eighty against it; it consequently failed, not being supported by the constitutional two-thirds.

Before we tell of the disappointment of both the party and the commercial section of the Union at this second veto, we must insert a few passages from a letter addressed by N. P. Tallmadge, a senator from New York, whose position and character, and friendship with the President, entitled his remarks and advice to be recorded here. And, besides this, it shows unequivocally the essential nature of the presidency under the new *régime* of party majorities and State supremacy inaugurated by Andrew Jackson.

"The public mind," he told the President, "is too much excited to receive another veto without the most unequivocal manifestations of disapprobation, not to say indignation. Such feelings existed, but were suppressed on the former occasion, because it was seen that Congress was making a great and mighty effort to recover from the blow which that Message inflicted—a blow the more severe, and the less to be resisted, because inflicted by a friend—by him, too, who had come into power with the rich legacy of the lamented Harrison, namely, 'to understand and carry out the true principles of the government,' of which this measure was the leading one. These feelings cannot longer be suppressed after another exercise of the veto power on the present bill.

"That bill, it is well understood, was prepared in pursuance of your suggestions, after full consultation with your cabinet, and with other gentlemen; and its provisions made to accord with your views, and with the unequivocal understanding that it would meet your approbation. It was brought forward, and passed by your friends in Congress, for the purpose of obviating all difficulties on your part, believing (as they did, from most undoubted sources) that its provisions had received your sanction.

"I cannot, therefore, for one moment persuade myself that any credit ought to be given to a rumour of a second veto. I will hope that you will seize this occasion to sustain the confidence of the party which placed you where you are; and that you will, by the approval of this bill, render your administration as popular as you will make the country prosperous and the people happy.

"Let no hasty opinions which you have expressed against the bill prevent you from consummating an act so honourable to yourself, so desirable to your party, so important to the country. It is the part of a great man to surmount the obstacles which obstruct the way of smaller men. Washington had his veto of the first Bank bill all prepared, with the intention of sending it to Congress; but that great man changed his purpose at the very last moment, and approved the bill. Is not his example worthy of imitation? Can you not, ought you not, to exhibit on this occasion those high qualities for which he was so distinguished, and which in him commanded the admiration of the whole

country? [Jefferson excepted, as we well remember]. How enviable would be your position! How laudable the ambition to imitate such an example!

"By your approval of this bill, the most intimate and cordial relations would be preserved between yourself and your political friends; the confidence of the party would be sustained, and we should all have the proud satisfaction of interchanging those reciprocal acts of kindness and good feeling which are the life and soul of all honourable political associations. May I not hope, then, that this great and patriotic purpose may influence your decision; and that we may all return to our constituents, having by our united action accomplished the great object for which we were called together, and receive their annunciation of 'Well done, good and faithful servants!'"

The mystery of this veto given by the President to what may be called *his own* Bank bill, is not very profound. His vacillations, his attempt to shape his expressions in accordance with the Virginian theory of the constitution, his welcoming advice from every counsellor, the tone of the letters of admonition we have cited, the influence ascribed to the appearance of Botts' letter about "fastening" and "heading" the President, show us a man weak enough and vain enough to be guilty of any inconsistency, and to hope to conciliate the good opinions of all parties, by doing, or promising, in turn what each one wished. Tallmadge's endeavour to stir up the resolve to imitate Washington was inevitably fruitless. Tyler would assent to his appeal, and desire to copy him; but advisers nearer to him would soon carry him along with them to that self-stultifying veto by which he overthrew both himself and his party.

Chagrined as the Democrats had been by the Whig triumph, in this turn they found amends. Democratic meetings, held in every prominent place throughout the Union, warmly applauded the President; and the discomfited Van Buren declared, that if he went on as wisely as he had begun he would deserve the thanks of the country; whereat the whole country smiled. But the leaders of the party took especial care, whilst using Tyler for the consummation of their own Bank policy, not to commit themselves by word or deed to any promise to adopt him as their symbolical man, or candidate, at any future presidential election; and so it happened to him, as it has befallen many a wiser man, that he cut himself off from his former friends and adherents, who had placed him in power, and who would have strained every nerve to continue him in office for another term, had he fulfilled the implied conditions of his election, without securing the support of their antagonists and rivals. For, in fact, two days after the reading of that second veto in Congress, all the members of the cabinet, except Daniel Webster, resigned; and the remarks of the Secretary of the Treasury, in his letter of demission, express very plainly the feelings of the whole. "No doubt," said he, "was thrown out on the subject [of the Fiscal Corporation Bill] by you, in my hearing, or within my knowledge, until the letter of Mr. Botts came to your hands. Soon after the reading of that letter, you threw out strong intimations that you would veto the bill if it were not postponed. That letter I did, and do, most unequivocally condemn; but it did not affect the constitutionality of the bill, or justify your rejecting it on that ground: it could affect only the expediency of your action; and whatever you may now believe as to the scruples existing in your mind, in this and in a kindred source [which we



could easily conjecture] there is strong ground to believe that they have their origin."

Webster did not resign with his colleagues. His functions, he said, were not interfered with by the Bank veto; he was engaged at that very time in a difficult negotiation with the British government; he deprecated a division in the party; he believed, or hoped, or thought he did, that the President would yet join in the establishment of a National Bank; he did not consider demission the proper movement under the circumstances;—and shall we be wronging a great man, who was after all only a *man*, if we add, that he was now for the first time in a position which he felt himself capable of filling, which was not unacceptable on other accounts, and which might prove a step in the direction of the President's chair?

The principal Whig members of Congress met on the same day that the ministers resigned, and again on the 13th, the day on which the extra-session closed, and adopted a manifesto, or address to the people of the United States; in which they detailed, plainly and fairly, what they had done during this extra-session, and their reasons for acting thus. They spoke freely respecting the President, telling the country what his political course had been, and what they apprehended it would in future be; how he had withdrawn from the Whigs and assimilated himself to the Democrats; wherefore, it proceeded, "those who brought the President into power can no longer, in any manner or degree, be justly held responsible, or blamed, for the administration of the executive branch of the government;" yet, whilst they thus declared themselves entirely separate from him, they avowed it to be "the duty of the Whigs, in and out of Congress, to give to his official acts and measures fair and full consideration, approving them and co-operating in their support when they could, and differing from and opposing any of them only from a high sense of public duty."

Great numbers of the Whig party, we may remark, questioned the propriety both of the demission of the ministers and of the issuing of this address. They still thought that the President, had time been given him, would have developed his opinions and policy into something much more like Whigism; and at all events that, by thus excommunicating him, and casting him out from the Whig party, they would cut off the whole of it from the enjoyment of the patronage of the government,—and the effect of that upon the tenure of power by the party they knew would be fatal. It would also have been extremely unsettling to the numbers of office-holders who had recently been inducted into government situations; and consequently it must have affected the votes of all of them, with results that might prove very embarrassing.

And here it is to be noted, that amongst the grounds for charging President Tyler with the adoption of a democratic policy one flagrant proof was never cited. We told how Harrison's life was worn out with the task of "gratifying" (that is the phrase) the office-seekers of his party with the patronage their votes had put within his gift. When he thus perished, there was a sudden cessation of thronging applications at the doors of the President's official abode; but no sooner was Tyler fairly installed, no sooner had he shown himself by his Address a fit successor for Harrison, than the work began again with new ardour; nor did Jackson himself show greater energy and determination to "make friends

with the mammon of unrighteousness" than the new Whig President. His party, who had so loudly denounced Jackson for his exercise of the power of removal, mutely approved the self-same conduct when their own partisan was pursuing it. And they never discovered his strong leaning towards the principles of their opponents until he had bevetoeed both their Bank bill and his own !

Brief as this extra-session was, it was one of the most important under the administration of Tyler ; and produced a larger amount of notable legislation, in proportion to the number of acts passed, than many a longer regular session. Provision was made for the widow of Harrison, as a durable testimony of regret at his sudden decease ; a loan of 12,000,000 dollars was authorised, for the purpose of covering the deficit under Van Buren's administration (for that was the end of Jacksonian "retrenchment and reform") ; a "provisional" Tariff Act laid as much as twenty per cent. on many articles admitted free by the "Compromise tariff;" a uniform system of bankruptcy was established ; and an Act was passed granting rights of pre-emption as to the public lands, and providing for the distribution of the proceeds from land-sales amongst the states, substantially in accordance with Clay's plan. The opponents of the "American system," however, contrived to introduce a clause into this Act, suspending the distribution whenever the tariff of duties on imports was raised to a rate above twenty per cent. *ad valorem* ; which in the sequel rendered this Act inoperative. Twenty-five acts passed, and the President imposed two vetoes !

We pass over the personal comments on Tyler's exercise of this odious power, which abounded both whilst Congress was sitting and after it had risen. They can be imagined with ease by all who are acquainted with the exorbitant demands, and yet more extravagant expectations, of political parties, under circumstances like those in which the Whig party now found itself ;—suddenly, and contrary to all hope, in power ; with a strong feeling in favour of their policy throughout the country, in consequence of the complete breakdown of Jackson's policy ; but deprived of the chief under whom they had prepared to consolidate their advantages ; and, by means of a standing anomaly of the constitution, generalised by a chairman of committees, whom they had destined to the inglorious presidency of the Senate ;—they were now paltered with by this man, and their power imperilled, if not their cause betrayed, by the weakness, or worse than weakness, of his "he would and he would not" about a National Bank ! And there was the great statesman of Massachusetts ; there was the mellifluous orator of Kentucky ; both of them hungering for that high pre-eminence ; neither of whom, with all his faults, could or would so ill have served the party.

One thing, however, these vetoes did, which makes them, and him too, memorable in the history of the United States ;—they gave the *coup de grace* to national banking schemes. Even Tyler's own attempt to accomplish the same purpose under another name could not restore vitality to them. We need only observe the remarkable round the National Bank ran through ;—started for banking purposes in general, and incidentally to manage the cash accounts of the government, it was attacked by Jefferson on the ground of the extra-governmental patronage it created ; and on that ground was quashed ; but revived again with its original object in view, it was again attacked by that universal



patronage engrosser, Jackson, on Jefferson's ground; currency doctrines were resorted to, for the sake of giving external decency to the attack; and it was overthrown by the fiscal manœuvre of removing the deposits, after the perseverance of the President in the patronage attack had weakened it. The Sub-Treasury, a fiscal scheme, on one hand, and on the other the "Hard Money" dogma of Benton's school, kept it from rising again; and now it was a fiscal dream alone (for the "Hard Money" scheme was impracticable), that it continued to form an article of Whig faith, and a snare for the conscience and the conduct of a weak President.

When the Harrison cabinet disbanded itself in disgust at Tyler's Bank vetoes, people expected generally, and some hoped, that he would select his next cabinet from the Democrats; but they mistook the grounds of his failure to carry out the party policy; and without deserting the Whigs, he merely resorted to the Conservatives as well, perhaps in the desperate hope of being able to collect round him a party of personal adherents. Walter Forward was made Secretary of the Treasury; John M'Lean, who had been Post-master-general under Monroe and Quincy Adams, was offered the post of Secretary of War, but he preferred keeping his seat as a Judge of the Supreme Court, and the office was given to John C. Spencer; Abel P. Upshur, whom we have quoted as a vindicator of nullification, was made Secretary of the Navy; Charles A. Wickliffe, Post-master-general; and Hugh S. Legare, Attorney-general. And the confidence of the party and the country in the administration was a little restored.

All this year the M'Leod affair was proceeding; the earlier stages of which have already been detailed, and the issue intimated. No sooner was Harrison inaugurated than the British Minister at Washington called his attention to this matter, avowing that the capture and destruction of the *Caroline* were accordant with orders from his government, and demanding the release of M'Leod in accordance with the law of nations. At the same time Harrison heard that William H. Seward, the governor of New York, had expressed a disposition to enter a *nolle prosequi* in the case, on the part of the state;—for, as if to complicate the business, M'Leod was a prisoner of the state of New York, and there were no means by which, constitutionally or legally, the general government could interfere for his release, although the members of it, and the Federal Judiciary generally, regarded the decision of the court of New York on the *habeas corpus*, which had been applied for, as altogether wrong.

Without recording the minutiae of the affair, the real bearing of it, and the difficulty it caused the government, can be exhibited. The government of Great Britain could treat only with the Secretary of State; and the Secretary of State was powerless in the matter. It was fast hastening to be declared a *casus belli* on the part of England; and would have been so, had not the temperate and judicious course adopted by Webster given promise that exact and even-handed justice should be dealt to the prisoner. The conduct of the mis-Anglicans generally, not excepting Calhoun himself, whose speech in Congress was not that of a statesman and senator, greatly embarrassed the proceedings of both parties, by leading the British to anticipate the enforcement of a kind of lynch-law against M'Leod; and by preventing the Secretary of State from conveying

to the British government the views and wishes of the United States government, without misrepresentation.

After much anxious and excited correspondence and speech-making, Governor Seward's plan was adopted and carried out. It was not probable that M'Leod would be convicted, as there was no proof of his guilt;—but if convicted, he could not be executed without the governor's consent; and the retaliation which Great Britain had threatened was contingent “not on the detention, nor on the trial, nor even on the conviction of M'Leod, but on his execution.” Then, inasmuch as both governments agreed that his conviction would be an infringement of international law, however much Seward's private opinion might differ from that, he avowed that he should feel bound to release the prisoner from his sentence. We do not regard Seward's display of state sovereignty as judicious; the more magnanimous course would have been to release the man at once;—all excitement would have been calmed; the general government would have been supported in a most constitutional manner; and none displeased except that class which has been the bane and the opprobrium of the United States—the filibusters.

Yet let it not be forgotten, that whilst this matter was pending a party of Canadian filibusters crossed the borders, and, having seized upon an American citizen, one Colonel Grogan, who was accused of having been engaged in several incendiary outrages, carried him into the British territory. This naturally increased the irritation respecting M'Leod, but the Canadian authorities promptly disavowed the outrage, and released Colonel Grogan; which removed that source of trouble.

When at length M'Leod was brought to trial, convincing evidence in proof of an *alibi* was adduced; and after an able and impartial summing up by Judge Gridley, the jury returned a verdict of “not guilty.” He was then sent into the British province by Governor Seward under an escort, and safely given up on the north side of the Niagara river.

The state elections of the summer and fall of this year were for the most part unfavourable to the Whigs; so that the hopes of the Democratic party revived again; whilst Tyler and his adherents interpreted the change as an approbation of his course on the Bank question. In consequence of which the removals of Democratic office-holders became more rare than before. General Scott, however, issued an address announcing himself as a candidate for the presidency. His political opinions differed from Tyler's considerably in respect of the establishment of a bank, and the possession of the veto power; this prerogative he declared ought to be curtailed, the judiciary being, in his opinion, “the balance wheel” of the system, and affording all the protection which the people could desire against the usurpations of Congress.

Texas was now so intimately associated with the Union, becoming before the end of this administration an integral part of it, that we must speak of its affairs, so far as they affected other states, here; and this the more, because they actually led to the war between the United States and Mexico, which occurred under the administration of Tyler's successor.

Between Mexico and Texas there existed now neither peace nor war; intestine discord and contests preventing Mexico, in spite of the recognition of



the independence of Texas, from endeavouring to recover it. The Texians, for their part, looked upon this as affording them an opportunity of inflicting some new blows upon Mexico; and as President Houston was not disposed to act on the offensive, the daring spirits of the country resolved to act without him. The story of their deeds of unprincipled, reckless, misguided, and fruitless bravery, will be read at full by all who desire to become intimately acquainted with the progress of "the lone star." We have but to tell briefly how two filibustering expeditions were got up by the Texians against Mexico; one consisting of some two hundred men, headed by General M'Loud, marched in October, 1841, against Santa Fe, where the whole of them were compelled to surrender at discretion, and were sent as prisoners into the interior:—the other in December, 1842, went under the command of Colonel Fisher, against the town of Mier,—fought a desperate battle there, two hundred and sixty-one men against two thousand three hundred and forty (of whom they *killed* four hundred and thirty, themselves losing only sixteen men killed in the fight, or dying of their wounds)!—and the whole were likewise forced to capitulate. Of the quality of these men we may speak in the next chapter.

On the 6th of December the second session of this Congress commenced, and on the 7th the Message was read. It consisted of a *résumé* of the public affairs of the Union; it stated that there was still a deficiency in the revenue, amounting to more than 600,000 dollars; and that only about 5,500,000 dollars of the loan authorised by Congress had been taken up; and its principal recommendation related to the establishment of "a board of control at the seat of government, with agencies at prominent commercial points, for the safe-keeping and disbursement of the public moneys, and a substitution, at the option of the public creditor, of Treasury notes in lieu of gold and silver;" one intention being to "relieve the chief executive magistrate, by any and all constitutional means, from a controlling power over the public Treasury." It also proposed, with singular courage and inconsistency, that Congress should regulate and restrain the power of the President to remove public officers.

This Message opened the longest session that had ever occurred, and one which despatched a great amount of important public business, there having been enacted no fewer than two hundred and ninety-nine Acts. Besides these bills and the discussion arising out of them, Congress was occupied in this session by a thousand and ninety-eight reports, and above three hundred other bills, not passed. There were about a hundred private bills ready for final passage in the House, but retained till the next session, because the Senate was so much occupied by the treaty of Washington and other momentous matters. The President put his veto to four bills this session; which of course occasioned much debate and many protests.

No bank scheme was brought forward now, but instead of it the President's own plan for a "board of control" was considered by committees in the two Houses, and favourable reports were made on it; yet the bills introduced were not well received by Congress, and the proposal failed completely. More successful was the new tariff in the end, though it had a difficult passage through the legislature, and afterwards encountered the perils of the President's veto.

The "Compromise Tariff" of 1833 was ready to expire, and even if it had not reached the term originally appointed it, the necessities of the government would have made some revision of it needful. The President in his Message had advised "moderate counsels," and apparently thought he had laid down a "healing" principle for the two antagonistic schools of Calhoun and Clay, in the *dictum*, that "so long as the duties should be laid with distinct reference to the wants of the Treasury, no well-founded objection could exist against them." Both Houses at first agreed in an attempt to postpone the final determination of this perplexed and dangerous question, by passing what they called the "little Tariff Bill," which simply extended to the 11th of August, 1842, the system of duties in force on the 1st of June, and which would otherwise cease on the 30th of June. On the 29th of June the President returned it with "objections."

Foiled thus, Congress addressed itself to its proper task, and produced a regular "Revenue or Tariff Bill." But this, too, on the 9th of August, was returned with the President's veto;—the reasons in both these instances being the same,—that the bills contained provisions for the distribution of the proceeds of the land-sales amongst the states, which the embarrassed condition of the public funds would not allow. Whereupon Congress amended its work by omitting the objectionable clauses, and to this bill Tyler appended his signature in approval, on the 30th of August, the day before the end of the session.

Macgregor, the British writer upon tariffs, whose condemnation of every approach to "protection" we have repeatedly quoted, calls this a "monstrous tariff," and ascribes its origin to "the spirit of party, much more than the influence of the manufacturers." Clay's panegyrist, Calvin Colton, on the other hand, speaks of "the restoration of confidence consequent upon the passage" of this bill, and of the dormant capital it brought out; he also attributes to it the balance of trade somewhat in favour of America, "though not much to boast of." He tells us, too, that the prices of agricultural produce "generally and considerably improved under its operation," and makes this confident appeal:—"All know how the country has prospered under the tariff of 1842." Its "protective" character is clear from these commendations; but why he should still cite the practice of Great Britain, and make what the old country, with its grievous burden of "landed interests" and its obstinate conservatism, did to the prejudice of its trade and of its people, a ground for doing likewise in the United States, happily neither conservative nor aristocratic, is, and remains, a mystery—all the greater, that men of mark and eminence held and acted on the same strange economical opinions. We require no other general answer to all that has been, or can be, said in favour of this Act, beside the fact that in 1844 another tariff was declared necessary by not the least enlightened financiers of the Union, as we shall presently learn.

Some other Acts of this session we may notice summarily. By one, cases like M'Leod's were removed from the jurisdiction of the states to that of the Federal Courts, as was befitting; by another, a new ratio of representation was fixed at 70,680 inhabitants for each representative, with an additional member in each state having a fraction greater than one moiety of that number; others authorised the extension of the loan, the issue of Treasury notes, the publication



of the narrative, &c., of the Exploring Expedition, the construction of a war-steamer, &c.

Few instances have occurred, even in the history of the United States, of the executive office of the government having such a deplorable minority in the legislature to represent his views and support his measures as Tyler had during this session. Neither in the House nor in the Senate did either party appear willing to afford him assistance, nor would either recognise him as one of them. One Whig senator, a compatriot of the President, William C. Rives, alone adhered to his fallen fortunes; and amongst the representatives there were only some half-a-dozen of the same party who stood by him. At the White House his partisans appeared more numerous, for at that "Pool of Bethesda" were always to be found the disappointed and the needy of all parties, and the adventurers who were ready to serve any party that would serve them, waiting in the hope of moving the President to exercise in their behalf that questionable power of his to create offices for his followers. With one like Tyler it is not astonishing that this worse than mercenary band should seem the genuine representatives of the public feeling with regard to him. And hence, it appears, he persevered in his wayward course, undeterred by the signs which could not be mistaken, of hostility to him personally, and to his whole line of policy, in Congress.

One most ominous sign of displeasure, and not unprovoked (as all must admit), was a report touching upon the exercise of the veto power, drawn up by John Quincy Adams, on the occasion of the disapproval of the second tariff bill. "A comparative review," it was remarked, "of the four several vetoes which, in the course of fifteen months, have suspended the legislation of this Union, combined with that amphibious production, the reasons for approving and signing a bill, and at the same time striking by judicial construction at its most important enactment,—illustrated by contemporaneous effusions of temper and of sentiment, divulged at convivial festivals, and obtruded upon the public eye by the fatal friendship of sycophant private correspondents, and stripped to its naked nature by the repeated and daring assumption both of legislative and judicial power,—would present anomalies of character and conduct rarely seen upon earth. . . . [The Representatives] perceive that the whole legislative power has been, for the last fifteen months, with regard to the action of Congress upon measures of vital importance, in a state of suspended animation, strangled by the five times repeated stricture of the executive cord.

"They observe, that under these unexampled obstructions to the exercise of their high and legitimate duties, they have hitherto preserved the most respectful forbearance towards the executive chief; that while he has, time after time, annulled by the mere act of his will their commission from the people to enact laws for the common welfare, they have forborne even the expression of their resentment for these multiplied insults and injuries. They believed they had a high destiny to fulfil, by administering to the people in the form of law remedies for the sufferings which they had too long endured. The will of one man has frustrated all their labours, and prostrated all their powers. The majority of the committee believe that the case has occurred in the annals of our Union, contemplated by the founders of our constitution, by grant to

the House of Representatives, of the power to impeach the President of the United States; but they are aware that the resort to that expedient might, in the present condition of public affairs, prove abortive. They see that the irreconcilable difference of opinion and of action between the legislative and executive departments of the government is but sympathetic with the discordant views and feelings of the people."

Against this report the President protested by Message, maintaining that, however unusual, the exercise of the veto power was perfectly regular and constitutional, and in strict accordance with his sense of responsibility regarding the duties imposed upon him. He added, that had he been impeached before the Senate, he would have met the accusation with firmness; and concluded by protesting against the unfairness and unconstitutionality of the report. And thus it happened that the two active branches of the government were brought into violent collision again; and nothing but the lack of an opponent like Jackson saved Tyler from humiliations of the kind that John Quincy Adams was so unbecomingly subjected to when he occupied the President's chair.

We have not often spoken of abortive measures unless they involved momentous principles. We therefore do but briefly notice here the failure of another banking scheme originated by the President, and called "the Exchequer Plan." It was a proposal to assist the operations of the government by establishing a board of exchequer in connection with the Treasury department; and it was calculated that its bills would be so eagerly sought for by the public creditors, that the issue would in a short time reach the amount of 15,000,000 dollars, which was to be the *maximum*; and that 10,000,000 dollars would thereby be added to the available means of the Treasury without cost or charge. Favourable reports were made upon this plan in both Houses, and in each a bill to establish such a board was introduced; but Congress was not impressed with the feasibility or desirableness of the thing, or it may be that it feared to provoke another veto by taking up and endeavouring to carry out the President's own recommendation—the scheme was in consequence abandoned.

Millard Fillmore, who has himself since then been President of the United States on the same terms as Tyler, namely, as "Vice-President occupying the office of President,"—for so some of the literalists contended Tyler should be entitled—as chairman of the committee of ways and means, reported very unfavourably to this "exchequer plan." And amongst the objections marshalled in his report with great effect and skill, are some that need a passing notice, as containing views of the actual condition of the Union, most profoundly interesting to the historian, besides indicating the shape which the hostility to government banks took with thoughtful men after Jackson had "reformed" the Union. "The various officers and agents," says he, "which would be selected to take charge of such an institution, are not likely to have the requisite financial skill, even if they should have the requisite moral honesty. They will be selected from party and political considerations. Thus it ever has been, and thus it ever will be: but even if they had the skill, they would not feel that solicitude which self-interest alone can create, and which is indispensable to the successful management of a bank. But among such agents appointed from such motives



there will be many whose moral integrity cannot be safely trusted. We have deplorable evidence of this in the numerous defaulters to the government, and the scarcely less numerous instances of bank officers, acting under the immediate eye of those interested, who have embezzled the funds which they were paid to guard.

"If it were possible," he added, "to have such an institution without increasing executive power, or endangering the Treasury, which should be administered by men of undoubted talents and integrity, endowed with competent financial skill, and a cautious, vigilant sagacity, uncontaminated with political and partizan bias, it is undoubtedly capable of rendering some service both to the business wants of the country, and the financial embarrassments of the Treasury. But to hope for this is to expect a change in human nature itself, and in the ordinary motives that govern the conduct of men, and especially political men, little less than miraculous. Our institutions were based upon no such theory of human perfectibility. They contemplate the possibility of error and vice in those who are entrusted with power, and therefore guard the trust by every limitation, as to time and amount, not incompatible with the object to be obtained."

Before Congress adjourned, the Senate was called upon to ratify a very important treaty with Great Britain, known in history, from the place where the negociations were carried on, as the Treaty of Washington. Daniel Webster was the negociator on the part of the United States, and in behalf of Great Britain, Lord Ashburton arrived at Washington, as special minister, on April the 4th, 1842. Besides the boundary question, of which so much has been said, there were other matters of no small moment to be discussed, and, if possible, settled now;—one, the indemnification or "atonement" due on the ground of the violation of the United States' territory when the *Caroline* was destroyed, and for that vessel, if it were not proved that its owner had acted in conjunction with the filibusters of Navy Island;—and another the right of search claimed and enforced by the British cruisers, as to ships suspected of being slavers, which arose near the end of the preceding year.

Upon the last subject there had been a very voluminous correspondence between Andrew Stevenson, minister of the United States at London, and Lords Palmerston and Aberdeen, the British ministers insisting upon the necessity of ascertaining whether vessels, sailing under the United States' flag in certain latitudes, were really American; because, although other countries which had concluded treaties with Great Britain for the suppression of the slave trade had conceded the right of search, the United States, in its treaty for that purpose, had refused to concede this point, this "right of search" happening to be associated in all American minds with the claims advanced by Britain in the time of the "orders in council," out of which had arisen "the second war." In consequence of this, however, it was a usual thing for slavers to hoist the American flag; and, of course, the whole system of blockading the coast of Africa (in itself, perhaps, one of the unwise schemes possible) would be rendered nugatory. Stevenson's part in the correspondence consisted merely of the repetition of the assertion (not without very scantily covered threats of war), that the right of search was a claim which America would on no account concede; for

not only was he a Virginian, but so was the President himself; and the concession would undoubtedly have made such an upstir from one end of the country to the other,—“maritime rights” in the North, “peculiar institutions” in the South,—as no administration could stand against.

As if to fan the flame, there happened about the same time a somewhat singular case. The brig *Creole*, of Richmond, Virginia, sailed from Hampton Roads for New Orleans on the 27th of October, 1841, with a cargo of merchandise, principally tobacco and slaves (we are quoting an authentic account of the affair), as it was, and is, no unusual thing for vessels to do, this being really but one form of the internal slave trade. On the 7th of November, some of the merchandise, to wit the slaves, rose against the crew, wounding some of them very severely, killed a passenger (who was the owner of part of them), obtained complete possession of the brig, and carried her into the port of Nassau, in the island of New Providence, one of the Bahamas; where, as it was a British possession, no doubt the poor creatures expected to be recognised as human beings, and not as merchandise.

When they arrived there, at the request of the American consul, the governor of the island placed a guard on board the brig, to prevent the escape of any of the negroes until the case could be investigated. And this having been done, a hundred and fourteen of the negroes were at once set free; the remainder, nineteen in number, having been identified as participants in the mutiny, were ordered into confinement to await further orders from the British government, greatly to the disgust of the consul and of the whole South, who expected to receive them, and to have the satisfaction of making an example of them in America. So high did the indignation rise in that part of the Union, that the British government was accused of abetting piracy and murder; although it had actually held its own law respecting the freedom of negroes coming to any of its possessions, and had put the mutineers in hold; and as if the slave trade, internal and external, altogether, were not itself essentially piracy and murder.

Now it was rather remarkable, that in the beginning of the same year some negroes who had been carried off from the west of Africa in a Spanish slaver, called the *Amistad*, rose in revolt during the middle passage, killed some of the crew, and seized the ship, which, coming near the American coast, was taken possession of by the officers of the nearest port. In consequence of the claim for salvage due to those who saved it, the whole affair came legally before the American courts,—*in the North*, providentially. The Spanish ambassador claimed the negroes, not as property, but as *criminals*; and Connecticut vindicated its independent sovereignty and its philanthropy at once by refusing to give them up, and by trying them in its own district court for murder, and *acquitting* them, on the ground that the negroes were not the lawful property of any one, but free men illegally captured, and held in bondage, and therefore the injured persons in the case, having good ground of action against those who had subjected them to confinement. And they were accordingly released, the claim to salvage on account of them, being also, on the same ground, dismissed.

Daniel Webster had the honour of vindicating this decision of the court



against the Spanish minister; but he could not very successfully establish his claim against the British government for doing the same thing which Connecticut had done; although he did place it on a different footing, and endeavoured to resolve it into a question of "maritime rights," and national jurisdiction under the national flag. The nineteen *free men* were not given up, but were tried at Nassau for the technical crime they had committed in order to escape from slavery, and do not concern us any more.

When Lord Ashburton undertook the duties of carrying on the negotiations, matters proceeded at a much more rapid rate, and in a far more satisfactory manner, than before. The *Caroline* business was soon despatched, it being clearly not of the kind on which to base the maintenance of the national honour. The other points were the north-east boundary, the right of search, and mutual extradition of fugitives from justice, and the more active suppression of the slave-trade. On the 9th of August, 1842, four months after the arrival of Lord Ashburton, the labours of the negociators were brought to a successful conclusion, and the Treaty of Washington signed. By this treaty the boundary between the state of Maine and the British provinces was at length definitely settled. We need not describe this line particularly, but we may say that, although not literally in accordance with the terms of the Treaty of Versailles—which here, as well as farther west, betrayed the insufficient geographical knowledge of its framers—it was as fair as concession on both sides could make it, and has given ample satisfaction to all the reasonable in both countries.

Further, the navigation of the River St. John was declared free; all grants of lands, on whichever side of the boundary line they might be, were to be held valid; and the United States agreed to satisfy the claims of the states of Maine and Massachusetts, out of its share of the disputed territory fund. By the eighth article it was stipulated that Great Britain and America should each maintain on the coast of Africa a sufficient squadron or naval force, carrying not less than eighty guns for the purpose of enforcing separately and respectively the laws, rights, and obligations of the two countries for the suppression of the slave trade. And so the "right of search" controversy was silenced.

By the ninth article the parties to the treaty agreed to unite in all becoming representations and remonstrances with those powers within whose dominions slave markets were allowed to exist; and to urge upon such powers the propriety and duty of closing such markets at once and for ever. So that the United States undertook, respecting foreign states, a duty which Congress, the executive, and the Federal judiciary too, had declared the general government incompetent to perform with respect to the states composing the Union severally! Another article of the treaty provided for the reciprocal extradition of fugitives from justice,—an arrangement of the highest importance to Great Britain in one respect, and in another not less so to the United States, as tending to keep away from their shores the overflow of the criminal population of the parent country.

The Senate ratified this treaty by a majority of thirty-nine against nine, Senator Benton being one of this diminutive minority; and the bill for carrying the treaty into effect passed in the following session with the equally emphatic assent of both Houses of Congress. General Cass, who had been ambassador

at Paris, we are sorry to learn did not approve the treaty, and offered such comments upon it in his despatches home that Daniel Webster found it needful to administer certain rebukes to him, and did so in a judicious, and not wholly ineffectual, manner. Nevertheless, it must be noticed that the example was set of the assumption of authority by an ambassador abroad, which was incompatible with the merest semblance of authority and order at home or abroad ; that the blame of originating this species of insubordination may rest upon the real inventor.

One other matter, of a private nature though of public interest, belongs to the records of this protracted session of the twenty-seventh Congress : it was then that Henry Clay, having his eye upon the chief magistracy, imitated the tactics of Madison, and withdrew from the Senate on the 31st of March, 1842, into private life—becoming “ the farmer of Ashland,” but not affecting to “ talk of bullocks,” as Jefferson did, when he found himself in retirement, and panted for the bustle and the flattery of publicity. It will not be long ere we meet him again.

Congress met again for a short session, on the 5th of December, 1842, and the Message was received two days later. After congratulating the legislature on the completion of the Treaty of Washington, the President said, “ It would have furnished additional cause for congratulation, if the treaty could have embraced all subjects calculated in future to lead to a misunderstanding between the two governments [of the United States and Great Britain]. The territory of the United States, commonly called the Oregon territory, lying on the Pacific Ocean, north of the forty-second degree of latitude, to a portion of which Great Britain lays claim, begins to attract the attention of our fellow citizens ; and the tide of population, which has reclaimed what was so lately an unbroken wilderness in more contiguous regions, is preparing to flow over these vast districts, which stretch from the Rocky Mountains to the Pacific Ocean. In advance of the requirement of individual rights to these lands, sound policy dictates that every effort should be resorted to by the two governments, to settle their respective claims.” This is the first public notice of this “ question,” which had ever since 1818 been visible to all eyes, though not officially, as one of the next that would engage the diplomacy of the two countries.

The financial statement contained an announcement of a continued deficit of 5,000,000 dollars. The receipts from all sources during the first three-quarters of the year had amounted to above 26,500,000 dollars ; but the expenditure exceeded 26,000,000 dollars. The remedying of the defects of the Tariff Act was urged upon Congress, and it was suggested that the warehousing system might be advantageously adopted. The Exchequer plan was again commended to the notice of the legislature, and expounded at great length ; and the embarrassed state of the public credit, which arose from the deficit, from “ the utter and disastrous failure of the United States’ Bank of Pennsylvania,” and (as we can see) from the “ repudiation ” of their debts by several states, was appealed to as a reason for immediate attention to the subject.

The proceedings of this session were not of great moment. The Act which most requires notice was a repeal of the bankruptcy law of the preceding session, for as this enactment had been called for from the very commencement of the



Union, and as it had not been in operation for a twelvemonth; we are painfully impressed with the influence of mere electioneering considerations upon the legislation of Congress, and with the strange views of commercial necessities taken by the politicians of Washington.

Foreign affairs deserve more notice. The Act for carrying out the Treaty of Washington has been mentioned; and, as we remarked, this did not exhaust the questions at issue between the governments of the United States and Great Britain. The Oregon territory was fixed upon by the warmer partisans as soon as ever the north-east boundary was determined, for the purpose of keeping up the excitement of the country against the parent country. Benton's view of the matter we saw long ago; and it was moderation itself compared with the opinions put forward by others of the party, both in and out of Congress. And although the President informed the legislature that he was about to enter into negotiations with Great Britain for the purpose of terminating the joint occupation, and fixing the boundary between the States and the province, a bill was brought into the Senate, and carried by a majority of one, for taking possession of the whole of the disputed territory, the title of the United States to which it declared was certain, and would not be abandoned. Happily for the reputation of America it did not pass the other House.

It was hoped that the practical settlement of the "right of search" question would have sufficed for the most ardent advocate of American dignity; but it was discovered that Great Britain had not been required to renounce her claim, and actually had not disavowed the right, under certain circumstances. But as it appeared, after a vast quantity of additional correspondence and oratory, that all which Great Britain claimed was the right of visiting vessels hoisting the American flag off the coast of Africa, and inquiring whether they really were American; and as America claimed and exercised a similar right in the Gulf of Mexico; there could be nothing more said or done in the matter than had been done already, and it was hoped by the peaceably disposed that the American cruisers would be vigilant enough to make no visit of inquiry from the British cruisers needful.

Another source of trouble was the non-payment of either interest or principal of the state debts. And this brought to light a defect in the constitution which threatened to produce trouble for the Union. Unless the British creditors of the repudiating states chose to attempt the costly and uncertain remedy of a process in the Federal courts, there was no way open to them for reaching their debtors, except through the public press. They could not appeal to the state legislatures, for they were prohibited by the constitution from engaging in negotiations with foreign powers; and Congress, by the constitution, possessed no jurisdiction in the domestic affairs of the states. Hence the memorial to the Minister at London, Edward Everett, and the petition addressed to Congress by the facetious Sydney Smith, Canon of St. Paul's Cathedral, London,—were equally vain. But of this we must speak in another place.

Daniel Webster, after he had concluded this Treaty of Washington, opened the subject of "Impressment" in a letter to Lord Ashburton. Either he shared the once popular feeling on that point; or, as this is a very improbable supposition, he could not afford not to leave on record some sort of proof that he

had been mindful of this long agitated subject. It was a little out of date, for Great Britain, instructed by her experience in the last war, had given up the practice of impressing seamen for her navy; and as she did not impress her own subjects at home, it was not in the least probable that she would force into her naval service such as had practically renounced their allegiance to her. It was more to the purpose, that in the following year, 1843, the same great statesman endeavoured to excite a popular feeling in favour of a commercial treaty with Great Britain, upon the basis of mutual reductions of import duties—a far wiser movement than that of Clay, whose “American system” remains one of the most lamentable mistakes of our legislation. “Sympathy” for Ireland began to be used now, too, as a weapon of offence against Britain.

We have to note here, also, the provision for the means of intercourse (*diplomatic*, it may be styled, by courtesy) between the United States and the government of China. The war between China and Great Britain, seemed to afford a good opportunity for commencing such relations with the Celestial Empire; and a commissioner, Caleb Cushing, was appointed for the purpose of attempting to improve it; which he did with great success, and negotiated a valuable treaty.

Caleb Cushing had been nominated Secretary of the Treasury, to fill up the vacancy occasioned by the resignation of Forward; but though thrice the President returned to the charge, in the hope of wearying out the constancy or the opposition, he was thrice and irreversibly rejected. Three times, in like wise, and in vain, was Henry A. Wise proposed as minister to the court of France; so great was the hostility of the Senate to the President.

After the termination of the session of Congress, on the 3rd of March, 1843, when its term of office also expired, other changes occurred in the cabinet. In May Webster resigned his post; and after filling it temporarily with the Attorney-general, in July Tyler reconstructed his “council.” Upshur was made Secretary of State; Spencer became head of the Treasury department; James M. Porter was Secretary of War; David Henshaw, of the Navy; Wickliffe retained the Postmaster-generalship; and John Nelson became Attorney-general. Of these, Porter, Henshaw, and Nelson, were Democrats; and thus Tyler justified the suspicions of the Whigs, and took another step away from his former partisans. The Senate did not ratify the appointment of Porter and Henshaw; and William Wilkins was, with its consent, placed over the War department, and Thomas W. Gilmer over the Navy.

We cannot linger over the unhappy mutiny, or attempted mutiny, of the Somers. It is enough to say that one of the three conspirators, who suffered at the yard-arm for their crime, was the son of Spencer, at that time Secretary of War. The elections require our attention. They were, in the autumn of 1843, more adverse than before to the administration; and gave some signs, which in the end proved not fallacious, of a recovery of power by the Democratic party. General Scott, as we heard, was already proposed as a candidate for the presidency; and, as we suspected, Henry Clay was now spoken of. Van Buren’s Locofocos announced their intention of trying to carry him in for a second term of office; and Calhoun was looked up to by many who were strong for state-rights, free-trade, and Southern interests.



When the new Congress, the twenty-eighth, met on the 4th of December, 1843, although the Whigs retained their command of the Senate, in the House of Representatives there was so great a change in favour of the Democratic party, that their candidate, John W. Jones, was now made Speaker, by a hundred and twenty-eight votes against fifty-nine given to White, his formerly successful opponent. And, as if to demonstrate that they were not a whit more disposed now than we have always known them to attend very punctiliously to the laws, when any matter of interest to the party was at issue, the Democrats sustained in opposition to the Whigs, the validity of the elections of the representatives from New Hampshire, Georgia, Mississippi, and Missouri, although they were not in conformity with an Act of the last Congress. A hundred and twenty-four votes against sixty-nine forbade the Whig protest against the right of these representatives to seats in the House from being so much as read.

Can it be owing to this new infusion of exasperated partisans that we read of two instances of personal affrays in the very halls of Congress? These lamentable facts must be noted, for they possess a very painful significance, which we leave the candour and ingenuity of our readers to discover and apply. In one case, a representative from Ohio, John B. Weller by name, attacked a newspaper correspondent in the House itself, and gave him a severe beating; in the other, two representatives, John White of Kentucky and George Rathben of New York, quarrelled in the House, and from words quickly came to blows; whereupon, a bystander, not a member of the House, interposed, and, being roughly repulsed, fired a pistol at the member who declined his pacific offices, and the ball (for it was loaded) seriously wounded one of the officers of the House. The notice taken of these outrages appeared to many observers very inadequate.

The President's Message referred satisfactorily to the operation of the treaty with Great Britain, and spoke at greater length than before of the Oregon question, asserting the American claim to the parallel of 54° 40' north latitude; but also stating that nothing would be left undone to bring the negociation then commencing to a speedy and happy termination. Turning to Mexico it said:—"It must be regarded as not a little extraordinary, that the government of Mexico, in anticipation of a public discussion, which it has been pleased to infer, from newspaper publications, as likely to take place in Congress, relating to the annexation of Texas to the United States, should have so far anticipated the result of such discussion as to have announced its determination to visit any such anticipated decision by a formal declaration of war against the United States." And then followed, at some length, a discussion of the Texas question, the meaning of which was the annexation of Texas at all hazards.

No new light was thrown upon the finances. The receipts for the year were said to be a little more than 18,000,000 dollars, and the expenditure, about 23,000,000 dollars; exclusive of loans. The deficiency was declared to be about 2,000,000 dollars, if it should happen that 4,000,000 Treasury notes then outstanding were not returned; if they were, "they would require provision for their redemption." The loan of 1841 was also spoken of as about to fall due at the end of the next year, in consequence of which more than 5,500,000 dollars must be "provided for, or postponed by a new loan."

A long exposition of currency doctrines, including national banks, Treasury notes, and metallic coinage, succeeded; and then this paragraph:—"The operations of the Treasury now rest upon the Act of 1789, and the resolutions of 1816; and those laws have been so administered as to produce as great a quantum of good to the country as their provisions are capable of yielding. If there had been any distinct expression of opinion going to show that the public sentiment is adverse to the plan either as heretofore recommended to Congress or in a modified form, while my own opinion in regard to it would remain unchanged, I should be very far from again presenting it to your consideration. The government has originated with the states and the people, for their own benefit and advantage, and it would be subversive of the foundation principles of the political edifice which they have reared, to persevere in a measure which, in their mature judgments, they have either repudiated or condemned."

Little interest can be found in the business actually completed by Congress during this session; it was chiefly of the routine order:—private and local Acts; appropriations for carrying on the government; for harbours, rivers, fortifications, pensioners, dating as far back as the revolutionary war, in some instances; Acts to amend the last Judiciary Act, to regulate the management of the territories, to refund the fine imposed on General Jackson at New Orleans (which was offering a premium for violating the law, quite as palpably as the repayment of the valiant Matthew Lyon's fine, we heard of some time ago);—these and business of the same kind, a hundred and eighty-eight Acts in all being passed, engaged the chief attention of the legislature.

Early in the session, George M'Duffie (well known to us) made an attempt to get the Tariff Act of 1842 repealed, and the Compromise Act of 1833 substituted for it. The Act of 1842, he declared, though called one "to provide revenue," ought to have been named "an Act to *prevent* revenue." "An idea has got abroad," he said, "and I am sorry to say many of the friends of free-trade have been deceived and betrayed by it, as many patriot soldiers have been by the holding out of false colours—an idea has obtained currency, that although you cannot impose duties for any other purpose but that of revenue, yet you may rightfully impose revenue duties 'with a wise discrimination for the protection of domestic manufactures.' This is part of the new system of tactics to which the manufacturers have found it necessary to resort. They say one thing and mean another. What do they mean by a *wise* discrimination? Obviously a discrimination that will exclude imports and diminish revenue. 'A wise discrimination!' Pray, what is your whole system of revenue, levied as it is exclusively from duties on imports, but an enormous discrimination in favour of the manufacturers and their confederates, and against all other classes?" "When," he added, "you have prohibited the importation of manufactures from Europe, you will have totally destroyed the demand for six-sevenths of our cotton, rendering it utterly valueless."

M'Duffie's attempt was defeated by the following resolutions, introduced by George Evans, of Maine. "Resolved, that the bill entitled 'a Bill to revive the Act of the 2nd of March, 1833, usually called the Compromise Act, and to modify the existing duties upon foreign imports in conformity with its provi-



sions,' is a bill for raising revenue, within the meaning of the seventh section of the first Article of the Constitution, and cannot therefore originate in the Senate; therefore resolved, that it be indefinitely postponed."

Benton would have done good service to the cause of wise commercial legislation, had he but found fit audience. He exhibited three tables of the Income and Population of the United States, at different times; first, under "Low Revenue Duties, from 1791 to 1808;" the next, under "High Protective Duties, from 1817 to 1843;" and the third, "showing what ought to have been received from Customs, under the Protective System, to have been equal to the receipt under the Revenue System." And respecting them he observed:—

"These tables speak a language which cannot be misunderstood; and they place in the strongest contrast the working of the two systems during the two periods; the beauty and advantages of one, and the deformities of the other, standing out in the boldest relief. In the first period, amplitude of amount, steadiness of the product, and regularity of the increase strike every beholder. In the second period all this is reversed; confusion and madness seem to reign in our Treasury. Sometimes millions too much—then not half enough. Sometimes surpluses to be distributed—then deficits to be supplied. Giving away one day—begging or borrowing the next. Always a feast or a famine—never the right thing. Our poor Treasury became a balloon, sometimes soaring above the clouds—then dragging in the mud;—now bursting with distension—now collapsing with depletion." "Such is the difference between the working of the two systems, after twenty-five years' trial of each!"

More important, however, than this, was the attempt made by Tyler to engage in a treaty of annexation between the United States and Texas. The provisions of the compact, which was conditionally signed, were such as we can imagine them, except one, by which the United States assumed and agreed to pay the debts and liabilities of Texas, however created, which were estimated not to exceed 10,000 dollars. This treaty the Senate in April, 1844, declined to accept or ratify, by a vote of thirty-five against sixteen.

Immediately after this rejection of the treaty, Benton, in open Senate, introduced a bill for the annexation of Texas, provided the consent of Mexico were first obtained. And the President sent a Message to the House, announcing the refusal of the Senate to ratify his treaty, in a manner which indicated his great desire that some measure to accomplish the object of the treaty should be originated there; but the Representatives understood Tyler's motives (we cannot attribute to them any excessive desire to keep to the letter of the constitution), and the Message was referred to the committee on foreign relations, and there left for the present. This expiring effort of the President to clutch at a chance of re-election, was too undisguised for success; and Benton did but express the general feeling of the country when he denounced it as "a fraud," "a base, wicked, miserable presidential intrigue" (and who should know what such were, if not the bosom friend of Jackson?), "originating in the most vicious purpose," and "prosecuted for the most knavish conclusions;" whilst the appeal from the decision of the Senate involved in Tyler's Message, he regarded as an insulting violation of the constitution which deserved impeachment.

Let it be carefully noted—the democratic party (except a small section in the North) were, as Benton said, for “Texas, then, now, and always;” but they saw (as who could help seeing?) that Tyler and his *ex officio* supporters looked upon the annexation as the means of keeping them in their places, and that their “now or never” zeal to conclude and ratify the treaty arose, not from regard to the feelings of the great majority of the citizens of the Union, but from selfish considerations entirely. This endeavour to turn to their own ends the party measures of their opponents, was too badly made; and there was also a whole “army of martyrs”—place-hunters who had not so much as the hope of a place under Tyler—whose keenness of vision at least equalled, perhaps surpassed, that of the actual incumbents; so that the sole chance for success lay in the possibility of a division in the democratic ranks—provided that the Whigs brought forward no candidate more popular than Tyler.

And this condition turned against them. For, on the 1st of May, in this year, 1844, at Baltimore, the National Whig Convention, for the nomination of President and Vice-President against the next election, assembled, with greater force, and in a more imposing manner (every state being adequately and numerously represented) than ever before; and, with unanimity quite enthusiastic, Henry Clay was selected as the candidate for the chief magistracy, and Theodore Frelinghuysen (originally of New York, as his name indicates) for the Vice-Presidency. Should we ever be excused for omitting this characteristic account of the scene? The narrator is Calvin Colton, we scarcely have need to say.

“For the first office, no balloting was required, for the idea of a dissenting voice would have been shocking; and when the Hon. Mr. Leigh, of Richmond, Virginia, after having been announced for that purpose by the Hon. Ambrose Spencer, president of the convention, rose to read the declaratory resolution, he could not finish it before the assemblage burst forth with an acclaim which could as ill be conceived by one not present as described by one who was. Men of snow-white heads mounted the chairs on which they had been seated to aid the chorus and wave their hats and kerchiefs, and then sat down to weep, while stouter hearts sustained the long-protracted shout. When it had ceased, the president again called upon Mr. Leigh to read the unfinished resolution, which was again interrupted in the same manner and with the same result. As all knew what it was, it seemed impossible to get the resolution read. It was, however, finally, though with difficulty, announced. The shouting that followed shook the walls of the edifice, till it began to settle, and was supposed to be falling, occasioning a panic and rush, in singular contrast with the exultations of the previous moment. No harm, however, was done, and order was soon restored. . . . One hundred thousand persons were supposed to be present. The convention dispersed in full confidence of final success.”

Clay was understood to be unfavourable to the immediate annexation of Texas, particularly if Mexico did not consent. Van Buren, who was announced as the democratic candidate, was committed to the same views; and thence, when the Democratic National Convention met at Baltimore, on the 27th of May, the first seven ballots, though they showed a majority in favour of the former President (for the delegates had been instructed to vote for him, before





VIEW OF HASTINGS FROM THE SEA





his heresy on the Texas question was known), did not give him two-thirds of the votes. By the seventh ballot, Van Buren's hundred and forty-six votes had fallen to a hundred and four; General Cass's eighty-three had risen to a hundred and fourteen; Johnson and Calhoun had disappeared, and James K. Polk had come in sight. Thereupon ensued a "compromise," the issue of which was the withdrawal of Van Buren's name, and the agreement of all the delegates to vote for Polk, who, not being a conspicuous party-leader, though a warm partisan, had the advantage of being less opposed than any other at the ninth ballot. Silas Wright, of New York, as in some sort a compensation to the Empire State for the rejection of Van Buren, was chosen as candidate for the Vice-Presidency; but, as he declined, George M. Dallas was appointed.

In addition to the Texas question, these democratic candidates conciliated the support of the whole party by declaring themselves in favour of the claim to all the Oregon territory, and resolved to advocate the occupation ("re-occupation," they said, though it had never been occupied by the United States alone) of the entire tract; as well as the re-annexation (for so they termed it, though why, unless to veil the unpleasant fact staring through the thin covering of "annexation," we cannot tell) of Texas.

About the same time, and in the same city, Tyler's friends held a convention, and nominated him for re-election.

One other event which happened before the close of this first session of the twenty-eighth Congress, on the 17th of June, we may mention here. On the 20th of February, the United States' steamer Princeton made an excursion on the Potomac, with a most distinguished crew on board—the President, the members of his cabinet, and a goodly number of friends and ladies. It was, in fact, to try some very large guns of wrought iron, to carry a ball of two hundred and thirty pounds weight, which had been made under the direction of Captain Stockton. The gun was fired, and again fired, and sent its charge nearly two miles, to the great satisfaction of the numerous and gallant company; but, on the return, Gilmer, the Secretary of the Navy, requested the captain to discharge it once more. This time the gun burst, and Upshur, Secretary of State, with Gilmer, and three other gentlemen, was killed on the spot, a domestic slave of the President died of his wounds in a few minutes, and the captain, with about twelve of the crew, was in some degree injured by the explosion; accident only prevented the slaughter from being more terrible.

Both Houses of Congress appointed mourning, and adopted resolutions of sympathy on account of this shocking catastrophe. The Attorney-general acted as Secretary of State for a short time, and then John C. Calhoun was appointed; John Y. Mason was made Secretary of the Navy; and when in May, Spencer gave up the Treasury, George M. Bibb was appointed in his room.

After Congress separated, the most energetic canvass was carried on; and in August it became apparent that Tyler's nomination could not produce any good effects, his partisans being in reality more desirous for the success of Polk and Dallas. His name was, therefore, withdrawn, and he himself published an address, in the course of which he said:—"I appeal from the vituperation of the present day to the pen of impartial history, in the full confidence that neither my motives nor my acts will bear the interpretation which has, for

sinister purposes, been placed upon them." And we have demonstrated that his appeal has not been in vain.

It was about this time that attention was called to the simultaneous growth of two precisely opposite feelings with regard to Ireland and the Irish. This ill-starred portion of the British Isles had been governed more like a conquered province than like a kingdom once independent, and now by its own voluntary act united to the empire. But it must, at the same time, be admitted that the genius of its people, and their slavish submission to the Romish Church, had made them such, that European governments must have been prodigiously advanced in political knowledge, and European nations in liberty, had any other kind of rule been thought of in Ireland. For a long time a steady current of emigration had flowed from this island to the United States, and the most ardent of the hottest sections of the mis-Anglicans of America were to a man immigrant Irishmen. Ever since Jefferson's time the state governments, and the general government too, had encouraged this influx of excitable, able-bodied citizens. Naturalisation was made so easy that the presidency alone was *taboo* to aliens. And the state laws were administered with such laxity, that every British emigrant ship brought cargoes of American voters. Under such influences it is not wonderful that in some parts of the Union the Irish increased and multiplied, until they formed a visible element of the population; and began to assert themselves with greater positiveness than was agreeable at the ballot boxes. And this was the origin of the "Native American" party, of which mention has already been made, and which we shall see in the next chapter, and in the following Books, attempting to realise its dogma of "America for the *Americans*" by the liberal employment of six-shot revolvers and portable dagger-knives.

But few things could be more remarkable than that precisely coincident with the adoption of this dogma, was the uprise of a vehement and uproarious profession of sympathy for Ireland. For it happened, that in these same years, or rather months, the great Irish tribune, Daniel O'Connell, was making Ireland the "chief difficulty" for every possible English administration, and demanding (with the support of hundreds of thousands both in Great Britain and in Ireland) the "*repeal* of the Union." The temptation to assist him, and so to carry the war into the enemy's country (for all know that the parent country has always been regarded as a natural enemy by large classes in the United States), was too strong to be withstood; and contributions to the weekly and monthly "rint" of the Milesian agitator, flowed freely from "sympathisers" on this side the Atlantic. From O'Connell's self-exiled compatriots, there can be no doubt, much of this "hard-money" sympathy came; but it is well known that the sympathy itself was American, not Irish. And the proof of it lay in the fact, that the avowal of anti-slavery principles by the repeal orator put an end to the sympathy and the contributions suddenly and finally. One watchword of the Irish repealers, "Ireland for the Irish," was destined, when parodied into "America for the Americans," to play some part in the foreign history of the Irish people, as we shall ere long discover.

All this summer long the most active endeavours were made by the leaders (of every grade) of the antagonist parties to carry the presidential election.



The result of the votes, although not officially made known till after the opening of Congress, we may give here. For James Knox Polk as President, and for George M. Dallas as Vice-President, there voted the States of Maine, New Hampshire, New York, Pennsylvania, Virginia, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Indiana, Illinois, Missouri, Arkansas, and Michigan—a hundred and seventy votes in all; whilst for Henry Clay and Theodore Frelinghuysen, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, North Carolina, Tennessee, Kentucky, and Ohio voted—only a hundred and five votes in all. Had the popular vote instead of the vote of the electoral colleges carried it, and had the Whigs made common cause with the abolition party, the result would have been precisely reversed; for the aggregate popular vote for Polk was only one million, three hundred and thirty-five thousand, eight hundred and thirty-four, and that for Clay was twelve hundred and ninety-seven thousand and thirty-three, which, with sixty-four thousand, six hundred and fifty-three votes given to Birney, the abolition candidate, make up one million, three hundred and sixty-one thousand, six hundred and eighty-six, a majority of twenty-five thousand, eight hundred and fifty-two.

The importance of this mode of regarding the subject will appear from the following statements, which we do not make as proving positively that all the guilt of such frauds lay upon one party in this contest alone, nor yet that without these frauds Henry Clay would have been President of the United States; but to show the crying necessity for some amendment of the constitution, in the article prescribing the mode of electing the President and Vice-President; and that purity of election is not the growth of political systems, but must be secured, if at all, by purifying and elevating the entire morality of the people. We select examples only.

“Several hundreds of non-residents of the parish [of Plaquemine, Louisiana] were freighted in steam-boats from New Orleans, carried down to the precincts of Plaquemine, and induced to walk the rounds of voting two or three times each, some under a different name for each time, some under the same name, being furnished with tickets of the right kind, which were opened by the inspectors, in violation of law, before being deposited, to be sure they were right. . . . It was proved that the parish was entitled to less than five hundred votes. The number deposited was one thousand and forty-four. And only thirty-seven for the Whig electors.”

At Baltimore, “a poor widow” “received seventeen dollars for the use of her deceased husband’s naturalisation papers, one dollar for each man, which accounted for seventeen fraudulent votes.”

“Hundreds of young men go the rounds of the city [of New York] the whole of an election day, frequently changing dress and offering their votes, which are often received without being challenged, and when challenged they pass on to another, making open boast of it, and saying, ‘He is a fool that will not vote as many times as he can.’”

“But a new mode of fraud is alleged and believed to have been practised on a large scale in the city of New York in 1844—that of employing men for at least six months before the election to obtain residences in every ward and

district of the city [there were then seventy-nine districts], at the cheap boarding-houses, that could be sworn to, if necessary, they being known as boarders at all these places, though not always there. Being entirely devoted to the task and paid for it, they could visit each place frequently, and be recognised as residents. In this single mode, thousands of fraudulent votes are believed to have been given in the city of New York at the presidential election of 1844. The funds necessary were raised by betting, and advanced. Considering all the various modes by which fraudulent votes were obtained, five thousand for the city of New York, and fifteen thousand for the state, would probably be an under estimate."

"The lawful vote for Forsyth, Lumpkin, Habersham, and Franklin counties [Georgia, at the election of 1844], would be three thousand two hundred and two; but they actually returned four thousand and fourteen for Mr. Polk, and only eighteen hundred and twenty-one for Mr. Clay—in all, five thousand eight hundred and thirty-five. The excess over the lawful votes in these four counties, as will be seen, was two thousand six hundred and thirty-three."

How the money for all this corruption was found is thus shown. "The experience of 1844 proves that betting on elections must inevitably be ruinous to the party that is not morally capable of practising fraud. [A political party "not morally capable of practising fraud," and yet capable of "betting on elections," must be a moral curiosity! The writer, a Whig of the deepest dye, ought to have known that "morality" (not that of the "party," but of the partisans) is given up with the first bet, and that the moral incapability he speaks of, is only immoral incapability of being fraudulent enough to steal a present advantage!] It was betting that furnished the capital that gained the victory, and the defeated party paid all the bills of cost for their own overthrow. If the individuals who bet [betted, we prefer on various grounds] and lost could have suffered alone, all the upright part of mankind would say it was good enough for them. [Truly, it was so.] Confident of victory, they staked their money to an immense aggregate, which was immediately employed to secure votes against them and their party. Their confidence, in the first place, was doubtless well founded; but the use they made of it destroyed its own basis, and it tumbled to ruin. [A party numbering so many "pigeons," as this writer seems to assert of his own, could scarcely have a "basis" for hoping to control the destinies of a vast country like the United States! The sheer foolishness claimed by him for his own side is almost sublime, and deserves to be especially marked as a new political phenomenon!] Every thousand dollars they staked, was capable of purchasing a thousand votes against them. But it was not all disbursed in that way. A small fraction of it would answer all the purpose. [Worse and worse!] The spoils were divided between those who bought and those who were sold, [in plain English, however, it was the Whig losers who were sold!] the former taking good care of themselves!"

No doubt! But after this honest disclosure, who can wonder that the latest presidential elections in the United States have resulted in elevating such men, that the best lovers of their country have been filled with shame and sorrow; and, all over the world, those who have turned their eyes hopefully to the West, to see the great problem of self-government solved, have had no resource



but to avert their gaze, and to wait in patience for some other and worthier effort to be made elsewhere? For it is not the existence, it is the sufferance of enormities like these, that constitutes the real offence against morality, both with the parties and with the nation. And thus it was that Henry Clay was "disappointed;" and Polk and Dallas were made executive chief officers, *in esse*, and *in posse*, of the United States.

The concluding session of the administration of the twenty-eighth Congress opened on the 2nd of December, 1844, and on the next day the President's Message was received. The commencement of formal negotiations with Great Britain, "relative to their respective rights in and over the Oregon territory," was announced; as was the existence of various minor questions "arising out of the construction of existing treaties," which (it was added) would "continue to be urged upon her attention." Into the question of the annexation of Texas, Tyler entered fully, and with evident relish; he detailed the whole story of that interesting republic; and summed up the then present position of the affair thus:—

"A controlling majority of the people, and a large majority of the states, have declared in favour of immediate annexation. Instructions have thus come up to both branches of Congress, from their respective constituents, in terms the most emphatic. It is the will of both the people and the states, that Texas shall be annexed to the Union promptly and immediately." And the arguments in favour of attention to this declaration of the people's will were thus set forth. Texas "still desires to throw herself under the protection of our laws, and to partake of the blessings of our federative system; while every American interest would seem to require it. The extension of our coastwise and foreign trade, to an amount almost incalculable; the enlargement of the market for our manufactures; a constantly growing market for our agricultural productions [including slaves, which was well known to be the ruling motive with the South, although it was not specified here]; safety to our frontiers, and additional strength and stability to the Union;—these are the results which would rapidly develop themselves upon the consummation of the measure of annexation."

The possibility of objections on the part of any other government is disposed of thus—"We should interfere, in no respect, with the right of any other nation. There cannot be gathered from the act any design, on our part, to do so with their possessions on this continent. We have interposed no impediments in the way of such acquisitions of territory, large and extensive as many of them are, as the leading powers of Europe have made, from time to time, in every part of the world. We seek no conquest made by war. [The next administration was left to take this step.] No intrigue will have been resorted to, or acts of diplomacy essayed, to accomplish the annexation of Texas. [Most true. The process was simple, and patent to all. This vast tract, belonging to a weak neighbour, was colonised in strength by citizens of the United States, who seized the first opportunity of acting as "the people of Texas" in revolting from Mexico, and seeking annexation to their former federal government. In this sense it was "re-annexation," as Benton and those who were most in favour of the step entitled it, unquestionably; but in no other.]

Free and independent herself [Great Britain had helped America to this inexpugnable "base of operations"], she asks to be received into our Union. It is a question for our own decision, whether she shall be received or not."

The financial statement exhibited a wonderful change in the state of affairs. "The paralysis which had fallen on trade and commerce, and which subjected the government to the necessity of resorting to loans, and the issue of Treasury notes to a large amount, had passed away;" so that though 7,000,000 dollars had been paid by way of interest, and 5,000,000 in redemption of the principal of the public debt; and after setting apart 2,000,000 to meet the outstanding Treasury notes—to say nothing of the ordinary expenses of government—it was estimated that a surplus of 7,000,000 dollars would remain in the Treasury at the close of the fiscal year.

The most distressing consequence of this miraculous deliverance from fear of the bankruptcy of the public Treasury, was the infliction of a tedious diatribe on currency, trade, and finances; wherein credit was taken obliquely in behalf of the measures of the government (most of which, however, were the result of the impracticability of the opposition in Congress), for what was in fact the result of the energy of the wealth-producing capabilities of the country, which had been only cramped and hindered, and, indeed, all but suppressed, by those very measures.

The management of the surplus, and the need of avoiding that evil, the Post-office, the Navy, the Tariff, and the improvement of harbours of refuge and of the navigation of the rivers of the West, were all slightly touched upon; and with a most brief sentence of self-congratulation, especially on account of his reiterated exercise of the veto, President Tyler's last Message ended.

During this short session, no subject of equal interest with the annexation of Texas was handled by Congress. After considerable discussion, the plan suggested by the President was adopted; and the House of Representatives, on the 25th of January, 1845, by a majority of a hundred and twenty against ninety-eight, passed a series of resolutions, to the effect that Congress consented to the erection of the territory "included within and rightfully belonging to the republic of Texas" into a new state; and to the construction of a republican form of government by a convention, according to the usual plan, as we have seen, for the purpose of being admitted into the Union. The usual cessions of public property to the general government were made; and it was provided that other states might be formed out of the territory, as was customary with areas of considerable extent when first admitted into the confederation.

In the Senate,—for the resolutions were intended to be the joint production of the two Houses,—some delay was occasioned by the proposal to add to them the provisions of Benton's bill of the preceding session; by which two representatives in Congress, until the next apportionment, were allotted to it, and 100,000 dollars were appropriated to defray the expense of negotiating the terms of cession, which should be either by treaty or by articles to be submitted for the approbation of both Houses, as the President might direct. A poor majority of twenty-eight in opposition to twenty-five, carried the resolutions thus amended, on the 27th of February; and on the 1st of March they received the signature of the President. It does not appear that any effectual objection



was offered by any of the purist or literal school of interpreters of the constitution to this "appropriation" originating in the Senate, which deserves to be noted.

No definite boundary to the west of Texas was specified in these resolutions; the United States did not undertake to liquidate its debt; and the public lands were left in the possession of the state. The final and complete annexation was left for subsequent arrangement; but from the date of Tyler's signature to these resolutions Texas was one of the states of the Union. And immediately the Mexican ambassador at Washington entered a formal protest against the step, demanded his passports, and without delay took his departure, menacing the United States with war.

It remains to be mentioned here, that, as a preliminary measure to this annexation, a minister plenipotentiary had been despatched by the government of the United States to Mexico, for the purpose of entering into negotiations for the settlement of all existing difficulties, and to provide for the determination of the western boundary of Texas; the envoy was also instructed to protest against the prosecution of the war against Texas, and to use every effort to reconcile the government of Mexico to a recognition of the independence of that republic, with a view to its annexation to the United States. But the Mexican government proved to be totally impracticable; the prosecution of the scheme of annexation was regarded as a ground for refusing to settle former difficulties, and for withholding the arrears of indemnities for violations of existing treaties. And in the end the ambassador had no resource left but to demand his passports and return.

Without the knowledge of the American government, however, and indeed upon his own responsibility mainly, the British *chargé-d'affaires* in Texas, Captain Elliott, made an extraordinary attempt to bring Mexico to recognise the independence of Texas, and to frustrate the designs of the United States' government. And having used all his diplomatic ability and influence in Texas, and pictured to the incredulous settlers there, who constituted the republic, the glory of maintaining their separate national existence, under the sheltering wings of France and England, and blessed by most advantageous commercial treaties with them,—he set off to Mexico, furnished with a draft of "Articles preliminary to a Treaty of Peace between Mexico and Texas," in the hand of the Texian Secretary of State;—for, more astute than the Briton, Asahel Smith and his colleagues in office thought that they might by his means gain from Mexico some admission which would encumber its movements and put it in the wrong when the subsequent part of the drama should be unfolded. They did not hesitate, therefore, in this draft to append to the condition that "Mexico consented to acknowledge the independence of Texas," this, which was meant to be illusory, because they knew the people of Texas would not ratify it,—“Texas engages that she will stipulate in the treaty not to annex herself or become subject to any country whatever.” And this was done at the very time when the Texian government must have known that the annexation was all but complete.

“While these negotiations were urged in Texas, the government of Mexico denounced war against the United States, and the invasion of Texas as the

penalty for any attempt to consummate the plan of annexation. To give effect to the idle boast, troops were levied throughout the republic of Mexico, and every hostile preparation was made, with the avowed object of commencing the war so soon as any consummation of the measure should be attempted. At the same time the rulers of Mexico employed every effort, and sought every occasion to inflame the prejudices and to rouse the natural hatred of their people against the people and government of the United States, who were designated, opprobriously [but, unhappily for them, in strict accordance with facts], as the 'Northern invaders,' ready at all times to invade and dismember the Mexican republic"—as the event proved, which our next Book will, in due time, rehearse.

Of the other measures of Congress, during this final session, none are of such moment as to require notice here, except a bill forbidding the President to build revenue-cutters at his own discretion, which Tyler be-vetoed, and Congress made law (the first time such a thing had happened) by voting it again by a majority of more than two-thirds of both Houses,—in the Representatives, by a hundred and twenty-six to thirty-one;—and an Appropriation Bill for certain internal improvements, which, being sent to the President too near the close of the session to give him the constitutional term for consideration, was retained by him, or, as the Whigs used to say in Jackson's time, disposed of by a "pocket-veto."

And thus, becomingly, with this Appropriation Bill in its "pocket," passed away the Tyler administration, "unwept, unhonoured, and unsung;" and the reins of government were handed to James K. Polk, who was expected to recover the nation from the reproach which the hybrid and fickle policy of a President, neither Whig nor Democrat, had brought upon it. Whilst Henry Clay, according to his well-meaning but rather injudicious panegyrist, was consoled under his "disappointment" by an "unexampled" "flood of regrets," "poured in upon him" in the shape of turgid and hysterical letters; and by "a counterpane of fine needle-work," "composed of almost numberless pieces" (in plain words, a "patchwork" counterpane), with an inscription, partly in verse, "inwrought by the needle," in the centre of it; and by addresses and testimonials, which pursued him to his retreat in the west; where he pondered in sadness the consequences of the shocks which had tried the fabric of the constitution, since the time when, by his coalition with John Quincy Adams, he had hoped to illustrate himself and his country, by an ideally perfect administration of the affairs of the Union.



## CHAPTER II.

STATES' AFFAIRS DURING THIS PERIOD.—FLORIDA.—IOWA.—STATE CONSTITUTIONS AMENDED.—LOCAL AFFAIRS.—MORMONISM.—FILIBUSTERING.—“HUNTERS' LODGES.”—REFUDIATION.—TRADE AND COMMERCE.—RELATIONS WITH THE INDIANS.—SLAVERY.

ALTHOUGH the states, individually, had now acquired, in the balance of power, greater weight than the Union, their affairs were not the less local and municipal in character and magnitude; and cannot be related at such extent as this enhancement of their influence would seem to require. We shall therefore present, as before, only illustrations and examples of the progress of these constituent sovereignties, during the administration of John Tyler.

Following our usual arrangement, we commence with the erection of new states. In our last Book we told how Florida, anticipating its entry into the confederation, in the latter part of the year 1838 assembled a convention and devised a constitution. The tale of its longings for recognition as an independent state, and its fierce glances at the North, whence the impediment was presumed to originate; of its durance in the “vacant interlunar cave” of committees on affairs of every description, with the occasional infliction of resolutions and reports,—would be of little worth or interest. We will at once relieve our readers from all further anxiety by saying, that one of the last acts of executive authority, performed on the very day when it departed from him, by this President, was the appending of his signature to a bill providing for the admission of Florida into the confederacy of the United States; which accordingly took place under the administration we have next to treat of, that of James Knox Polk.

At the same time with Florida, Iowa (a free state, admitted as a sort of equipoise to the increased influence of the slaveholding section in Congress) was empowered by legislative enactment to enter the Union. It had already constructed for itself a constitution; but the ratification of it, by the acceptance of its citizens, was deferred till Congress should have given its consent to that assumption of sovereignty. In its main features this frame of polity did not differ from those of the adjoining states. White men alone were made capable of exercising the rights of citizenship, and residence of a year in the state and three weeks in a county were required for the validity of a vote. The legislature was to meet biennially; the senators being chosen for four years and the representatives for two, the former to be not less than twenty-five, nor the latter than twenty-one years of age; and for both branches residence in the state of a year, and in the district of thirty days, were the only other qualifications required. The governor was to be elected for four years, and must be thirty years old, and a citizen of the Union and a resident in the state, for two years before his election. Instead of a lieutenant-governor to act in case the governor should be by any means disabled, it was provided that the office should devolve on the secretary of state, or after him the president of the senate, or the speaker of the other house. And the secretary of state, with an auditor and a treasurer, were chosen by the people, each for two years. The judges of the supreme court were to be appointed by the General Assembly for six years; those of the district courts

to be chosen by the electors of the several districts for five years. The creation of corporations for banking purposes was especially prohibited.

In February, 1845, Congress passed a law, admitting Iowa with this constitution into the Union, but at the same time altering the boundary adopted by the constituent convention, and diminishing its territory. The people, we may add here, though it properly belongs to the next Book, refused to be formed into a state upon these conditions, and rejected the acknowledgment of their sovereignty thus shackled.

Of Texas, save that as a slave region it ought not to have been at this time admitted into the Union, we have nothing now to say in addition to what we have already related; its constitution, and actual annexation to the United States, belong to a later date than we have yet reached.

The principal instances of amended constitutions in these four years are those of Rhode Island and New Jersey. In the latter a convention met at Trenton for the greater part of May and June, 1844, and drafted a new frame of polity, which, being ratified on August 13th, went into operation on September 2nd of the same year. By it the right of suffrage was given to every white male citizen of the United States who should have resided in the state for a year, and five months in the county in which he claimed to vote; but, besides persons of colour, paupers, idiots, lunatics, and criminals were disfranchised. The legislature was made to consist of a senate and a general assembly, elected yearly; in the case of the senate, however, for three years, one-third only going out of office annually: the qualifications being, thirty years of age, with a residence of five years in the state and one in the county, for the senate, and twenty-one years of age, with a residence of two years in the state and one year in the county, for the other house. The governor must be thirty years old, a citizen of the Union for twenty years, and a resident in the state for seven years; and was to be elected for three years by a plurality of the popular vote, or by a majority of the legislature. The president of the senate, or, failing him, the speaker of the house of assembly, were to act as lieutenant in case of the governor's death or disability. During the last week of his term of office he cannot appoint to any post. The judiciary is very complicated; it was vested in a court of errors and appeals, a court for the trial of impeachments, a court of chancery, a prerogative court, a supreme court, circuit courts, and such inferior courts as the legislature might establish. The principle of limited tenure of office was established, the terms varying from seven to five years; and the appointments to all the inferior offices were given the governor or the legislature. Each law is ordered to embrace but one object, to be expressed in the title. Charters for banks and money corporations must have the assent of three-fifths of the members of each house, and be limited to twenty years. No lottery is to be allowed, nor lottery tickets sold. No divorce is to be granted. Amendments to the constitution must be passed by the two houses of legislature in succession, and then referred to the people, when, if accepted, they shall go into effect; but are not to be proposed oftener than once in five years!

In Rhode Island hitherto there had been no written constitution, but the charter granted by Charles II., in 1663, and the usages under it formed the basis of government. In order to vote, according to a fundamental law of the



state, a person must possess a freehold estate of the value of a hundred and thirty-four dollars, or be the son of a freeholder. Two efforts had been made to get rid of this undemocratic anomaly; in 1824 a convention, called by the legislature, framed a constitution, but the people rejected it; ten years later another convention was called, but broke up without completing its task. Another was made in 1841, the legislature passing an Act in January calling a convention in the following November, the delegates to be appointed by the legal voters.

But in the month before the assembling of this convention, one delegated by the advocates of an extension of the right of suffrage, without regard to the legal right of voting, met at Providence, and framed a constitution, which was commonly called "the People's Constitution," and in December was submitted to those who were authorised to vote by it, and declared to be by them accepted and ratified. The other convention met at the appointed time; and in February, 1842, they framed a constitution, which was submitted to the people in the month after, and rejected by a small majority. This constitution extended the right of suffrage to all native citizens, without regard to property, who had resided two years in the state; and all who would thus be entitled to votes were authorised to vote upon its adoption.

In April, 1842, the people, acting upon the constitution informally constructed and ratified, as we told, elected Thomas W. Dorr governor, together with senators and representatives to form a legislature; but the supporters of the regular government took no part in the proceedings. On the 18th of the next month, these illegally appointed officers attempted, but without success, to get possession of the state arsenal; and a body of military was brought up by the lawful governor, William King, to arrest Dorr, who was in a house guarded by a number of men armed with muskets and cannon. After some time the insurgents were persuaded to disperse, and the pretended legislators renounced their offices; Dorr escaped the search of the real governor's men; and renewed his effort to get possession of the government on the 28th of June, when, with about seven hundred adherents, he intrenched himself on a hill in Chepachet, with five pieces of artillery. Martial law was immediately proclaimed throughout the state, and about three thousand militia ordered out to support the existing order of things. In consequence of these vigorous measures, almost all the insurgents deserted their camp, and the state troops took possession of the hill. It was an occasion of much gratulation that throughout these disturbances only one man was killed.

That same month the legislature summoned another convention for the following September,—the delegates to be chosen, upon a basis of population, by all native citizens who had resided in the state three years. The convention met, and performed its task so well, that, on the 21st, 22nd, and 23rd of November, the people ratified it,—and the first written constitution of Rhode Island was put into operation in the beginning of May, in the year 1843.

By this instrument the right of voting was given to every male native citizen of the United States, who had resided in the state for two years, and for six months in the place where he proposed to vote, having been registered for at least seven days before the election, and paid a tax of one dollar within a year,

or done a day's duty in a military company; and also to every male citizen (including naturalised foreigners) of the United States who, in addition to the preceding qualifications, should possess real estate in the place worth 134 dollars clear, or renting for seven dollars a year.

The legislature consists of a general assembly, or senate, and house of representatives; and holds two sessions annually, at different places in the state. The most peculiar feature in it is, that the governor or lieutenant-governor presides in the senate, with a casting vote, and also in grand committee, or the convention of both houses. The elections are annual, the governor and lieutenant-governor, with the secretary of state, the general treasurer, and the attorney-general, being also elected yearly. One supreme court, with judges appointed by the legislature in grand committee, and holding office until removed by a resolution of the grand committee, is invested with the judicial authority in the constitution, the inferior courts being left to the discretion of the general assembly. Amongst the miscellaneous provisions is this,—bills for the creation of any corporation for other than religious, literary, and similar purposes, shall be continued until another election of members of the general assembly has taken place, and public notice of the pendency of such shall be given. Similarly, amendments of the constitution, having been passed by a majority of all the members of both houses, and published to the electors, are left till after an election has created a new legislature, and, if approved by a majority therein, are submitted to the people, when, if assented to by three-fifths of the electors of the state voting thereon, they become part of the constitution.

We find that efforts were made to bring the most prominent of the actors in these conflicts to justice; and, in March, 1844, it is on record that the General Assembly of the state formally protested against the conduct of Congress, which, by inquiring how the new government was established, had interfered in the domestic affairs of the state, and so violated the constitution.

These disturbances in Rhode Island may be pointed out as amongst the most important local affairs of this period, especially as they show the growth of the democratic principle there. Of greater moment was the McLeod affair, which, inasmuch as it trenched upon national interests, has been spoken of in the foregoing chapter. We there intimated, too, that the progress of the "Native American" party had been signalised by some serious violations of the public peace; these we speak of here.

It was in Philadelphia that the worst outbreaks occurred. There, in the year 1844, during the 6th, 7th, and 8th of May, fearful riots took place. This violence was directed against the Irish residents in that city, who, both as papists and as aliens, though naturalised, had excited the wrath of those who had parodied O'Connell's cry of "Ireland for the Irish." In the course of the contest, thirty dwelling-houses, a popish seminary, and three churches were burned, fourteen persons were killed, and about forty wounded. At length the military force of the state succeeded in suppressing the disturbance. In July, however, these disgraceful scenes were renewed; and a street battle was fought between the rioters and the military, fire-arms and even artillery being used on both sides, and more than forty persons killed and wounded. The governor was, in the end,



compelled to call out an overwhelming force; which show of determination daunted the leaders on both sides, and restored order.

At Cincinnati, in the year 1842, a riot of a similar kind occurred; but the aliens in this instance were German immigrants; and we remark it solely because, since this time, the Germans have divided with the Irish the hostility of the native Americans.

Philadelphia was disgraced by other riots also at this time, one of them doubly shameful for a northern city. The coloured people (*freemen* all, be it remembered; and, according to the theory of the state governments, *citizens*, though not voters) were celebrating on August the 1st, 1842, the anniversary of the emancipation of the negroes in the British West Indies, when certain whites made an attack upon them, and a disturbance ensued, the poor coloured "Sons of Liberty" of course having the worst of it, numbers of their houses being burnt, and many of them receiving severe wounds. After a time the military and police succeeded in suppressing the riot, but not before the aggressors in it had done what they would against the negro-emancipators.

Cincinnati, in the year preceding (just as with the "Native American" riots), had been for four and twenty hours at the mercy of a furious mob, which directed its violence against the coloured people and the known advocates for the abolition of slavery. Several lives were taken, and above twenty persons dangerously wounded in this riot before it was suppressed.

Of the anti-rent troubles in New York, in the manors of Livingston and Rensselaerwyck, which (in fact) commenced two years before this time, and which were only prevented from becoming armed insurrections by the energetic action of the governor,—we need not speak; nor of the disturbance which was threatened at Lockport, after M'Leod had been bailed—to which, indeed, reference has already been made. A case of a far worse complexion requires to be noticed here, the evil of which has been made most manifest by subsequent events.

Various hints have been given of the wide latitude afforded, by the almost universal absence of even the slightest restrictions on religious liberty in the United States, to the indulgence of every degree of whimsicality, both in speculation and practice, regarding things pertaining to religion. The "Native American" party, it is true, from the very beginning of its organisation, was aimed against the exercise of Romanism; but it was mainly because Romanism was the faith of the Irish, who (out of their vindictive hatred of Great Britain) were, on becoming citizens of the United States, more American than the Americans themselves. The rigid ecclesiastical organisation of the earlier period of the New England states, like the frost which pulverises the soil and prepares the way for the spring, has but secured for them now the pre-eminence in the number and diversity of recent manifestations of religiosity.

Foremost amongst these recent manifestations must be placed that one, to which a slight reference has been made in an earlier page, and which now began to assume the form which has raised it to world-wide importance,—*Mormonism*. We can pretend here neither to trace the history, nor to unfold the *rationale*, of this mysterious religious and social phenomenon. How it sprang, with a rapidity quite unparelled, from the alleged discovery and

miraculous disappearance of the golden plates by Joseph Smith, to be a "cause," with agencies at work in every part of the United States, in Great Britain, in her colonies, and in other European countries; and after an attempt to establish a municipal community of "Latter-day Saints" in Missouri, frustrated by the most outrageous exercise of "Lynch-law," to the foundation of the city of Nauvoo, in Illinois;—all this must be read in the history of the new sect. And the curious and observant may perhaps discern, in its unhesitating and dogmatic self-assertion, in the gross anthropomorphism of its doctrines, in the wide scope it offers to sensual indulgence, and in the fact of its founder's martyrdom,—some parts of the secret of its success: although the demonstrated plagiarism and forgery of its "revelation," as well as its meagre baldness; the demonstrated falsehood of the defence originally set up of the "spiritual wife" custom; and the practical and energetic industry of the sect, complicate the problem prodigiously.

One fact will tell the progress made by this prophet of the nineteenth century in 1844; and, at the same time, his astuteness, in turning to account every opportunity of increasing the appearance of his influence and elevation. He was then put in nomination for the presidency of the Union, with Sidney Rigdon as candidate for the vice-presidency; and he published a statement which he entitled,—*"General Smith's Views of the Government and Policy of the United States."* In the account we have given of the election of 1844 we have not mentioned this; because, from the national point of view, this nomination at Nauvoo does not so much as come into sight. Smith's political manifesto was more than ordinarily colloquial and bombastic, for such a document; and the last thing that would occur to any reader who should be unacquainted with the peculiarity of its authorship would be, that the writer of it called himself, and was regarded by vast numbers as being, a prophet!

Of the brutal character of the attacks to which both Smith and his followers were subjected there can be no doubt. Nor can any of the grounds alleged in vindication or extenuation of these outrages alter the character of them. Whatever, and however great, the offences against social order and decorum on the part of the Mormons (or Mormonites) in a country like the United States, it surely was possible to rely upon a legal infliction of condign punishment. But to treat their opinions as worthy of chastisement, must be either a solecism or an act worthy of a despotism alone.

There are occasions, as all know, when by "Lynch-law" only can a criminal be punished; but those occasions will be the fewer the further a community is advanced in civilisation. And there are, in addition to the uncertain operation of this mode of punishment, the great probability of the innocent suffering with the guilty, the impossibility of adjusting the amount of the infliction to the measure of guilt, and the certainty of the commission of crimes, perhaps equalling, perhaps even surpassing, the original crime, in the very act of punishing it,—to make a community vigilant and severe in discountenancing the resort to this expression of social displeasure and resentment against guilt. Like duelling and insurrection, "Lynch-law" is an infallible sign of a low state of civilisation, and never could have prevailed in the United States to the fearful extent it has reached, if the existence of an enthralled population in so large a



portion of the country had not promoted, and even necessitated, the almost universal custom of wearing arms.

We are led to these reflections by the atrocious murder which was now committed by the people of Illinois, and which invested the founder of Mormonism with all the glory, and his "revelation" with all the *prestige*, of martyrdom. The citizens of Nauvoo may have been bad neighbours, but no possible amount of petty plunderings (even if suspicion were not thrown upon the facts by the circumstances and time of their disclosure) could explain the intensity of the hostility entertained against them by those who lived around them. Hatred of the creed, and of the practices permitted under it, alone could give rise to such ferocity. But the occasion for the display of this spirit was furnished by the Prophet himself.

There were two members of the Mormonite community, one of whom had belonged to that quintessence of Mormonism, the "Danite" band, who either were, or imagined themselves to be, injured by Smith by the way in which he had enforced his "spiritual wife" doctrine; and undertook in Nauvoo itself to enlighten the world about the new religion, by means of an *Expositor* newspaper. Such an audacious attack upon his faith could hardly expect to succeed; Smith, as the mayor of the city, with the rest of the corporation, ordered the marshal to proceed against the *Expositor* as a nuisance, and to "abate" it forthwith. This was done in the most summary manner by a mob, who tore down the house, destroyed the presses, burnt the papers, and forced the two crusaders to fly for their lives.

At Carthage they procured warrants from the authorities against the mayor of Nauvoo and others for this outrage; but the Saints did not admit the validity of the state laws in Nauvoo, and would not suffer the warrants to be executed. The governor, therefore, with a zeal which in many a cause no governor would have ventured to show, called out a military force, whilst the Mormonites fortified their city, and prepared to resist him by arms. The governor's forces soon made him understand that they did not mean the mere execution of his warrants, but the destruction of Nauvoo; nevertheless, he contrived to persuade the Prophet and his brother to surrender themselves to be tried for the riot, and promised to protect them against his own mob. They were conveyed to the prison at Carthage; and whilst there, in spite of the promises of the governor, for the guard he had appointed betrayed their trust, on the 27th of June, 1844, an armed mob entered the gaol, shot both the brothers in their cell, killing the younger at once, whilst Joseph, who fell from the window, was despatched by a volley discharged at him in the yard below. The perpetrators of the murder were never discovered; but they were carefully represented to be a gang of ruffians from Missouri, although subsequent events made this more than questionable. After this assassination, the Mormonites lived in continual alarms, but no actual violence was done to them till the year 1846, which date we have not yet arrived at in our general narrative.

Whilst speaking of this painful characteristic of these times we must mention one fact, which will show, just as the cases which occurred in Congress at this very time did, the prevalence of certain habits, usually regarded as peculiar to the uncultivated and lawless classes, amongst those who cannot be considered as

of these. "In the Pennsylvania legislature at Harrisburgh, Mr. Bratton, the publisher of a newspaper which contained an article reflecting severely on the conduct of Mr. M'Gowan, member from Moyamensing, was attacked by the latter on the floor of the House, in presence of all the members, and stabbed in the shoulder with a dirk-knife. . . . To escape being expelled the House, M'Gowan resigned." But the wonder still returns, that any civilised community should not at once cast out any one who could be guilty of such savagery, that amongst kindred savages he might cultivate remorse, and fit himself for making amends and being readmitted, a wiser man, to the advantages he had forfeited. We do not learn that in any of these instances the testimony against the perpetrators was very emphatic.

From these incidents we are carried, by natural sequence, to the Texian adventurers, whose filibustering propensities were too often justified by the course of the constituted authorities;—as, for example, in the case of the capture of Monterey by Commodore Jones, in these very years; when Daniel Webster informed the Mexican minister, that as the commodore "supposed" the States were at war with Mexico, "whatever of imprudence or impropriety he might be chargeable with, there was nothing to show that he [the commodore!] intended any affront to the honour of the Mexican government, or to violate the relations of peace;" as if Mexico had to deal with this belligerent commodore, and not with the government whose fleet he commanded; and as if the United States' government would not have insisted upon something stronger than the declaration that the deed was "unauthorised," if the commander of a foreign fleet had committed the like outrage upon any American town;—and waived the mention of any other reparation than such as might be due to Mexican citizens on account of harm done to their persons or property.

It is of the filibusters of "the Mier Expedition" that we speak particularly, because we possess one of the most remarkable literary productions ever penned respecting it, a well-looking octavo volume, with engravings,—which, though not of the first-rate quality as to art, are invaluable as illustrations,—published by a firm of good repute at New York. In the old world the deeds of daring attempted and achieved by bold borderers were, indeed, celebrated in song, as many a ballad of "Chevy Chase," in every European tongue, remains to testify;—but it is a peculiarity of these mediæval doings in the United States, that they are brought, by the doers themselves, into the most grotesque *mésalliance* with modern things; as in this example.

We have in this fact also one feature of the character we desire to portray. Another we must let the historian and commander of this Texian "*Anabasis*" tell in his own words. In a note appended to the relation of some exploit of one of his comrades, by name Isaac Allen, or "Ike, for short" (as this western Xenophon says), he records his death, and adds, by way of *éloge*, the following:—"Quite a volume might be written of the most stirring incidents about this fearless man. He had some good qualities in a high degree. His love of country was no less remarkable than his love of friends. [And, it seems, it was no less remarkably manifested. He turned filibuster out of Texian patriotism; this is what his friendship led him to do.] On one occasion, when he had a friend killed in Bastrop county, Texas, he determined to avenge his death; and



while the person charged with the killing was upon trial in the open court, Ike went in, and fired a pistol-shot at his head, which, though not proving fatal, wounded more than one." Truly, he had some qualities (which, however, remembering that he lived near the middle of the nineteenth century, and in America, we hesitate positively to entitle "good") in a highly remarkable degree. But is not the *naïve* publication of such a eulogy at New York almost as remarkable?

The adventurers in this expedition were, as related before, captured by General Ampudia, at Mier: not relishing the Mexican treatment of "prisoners of war" (as they claimed to be), at Salado they overpowered their guards, and got away; but after enduring terrible privations in the mountains were forced to surrender, and were decimated,—those who drew the fatal lots uttering expressions of the kind that in another cause could never have been forgotten; the remnant being marched off to the castle of Perote, just under the snow-capped volcano of Orizaba, where they met with some of the survivors of the Santa Fé expedition. How they kept the blacksmith in constant work by breaking their chains can be imagined, when we tell that having procured from some "friend" a map of the country, and made copies of it, with untiring perseverance for three months, and under continual surveillance, they wormed a narrow way quite through the eight-foot-thick stone wall, contrived to lay by a store of provisions and to secure some rudest weapons of defence, overcame the difficulties occasioned by their being distributed through three cells; and one night in July, to the number of sixteen, crept through the breach they had made (being compelled to enlarge it, too, before they could all pass), crossed the moat and stockades of the castle, evaded the vigilance of the sentries, and escaped! Of this sixteen, some perished, and some were retaken, and three (one being the historian himself) got safe to Texas!

Not many men can surpass themselves; but the Texian prisoners left at Perote, in the next year outdid this feat of skill and daring. They dug, with sharp sticks and small knives, a shaft straight down below one of their cells, drawing up the earth with a hair rope and a little provision basket, and distributing it under a flooring of boards laid upon the original stone pavement;—in the course of forty nights, in spite of the suspicious watchfulness of the guards, and in spite of the choke-damp, which, for part of the time, made it impossible to remain in their pit more than a few minutes together, they reached the depth of some forty feet, and tunnelled a horizontal passage under the wall into the moat,—and another sixteen in one night left their prison,—nine of whom reached home, only seven being captured, although Perote was nearly a thousand miles from their own frontier!

Such were the filibusters of Texas,—men who would have been heroes had they toiled, and suffered, and triumphed for the right! And being such, we do not marvel that the later history of Texas, and the contest between Mexico and the United States which followed these events, should have been of the nature, and issued in the results, we are all familiar with. Out of materials like this great nations are made, if only the captains and lawgivers be found to impart form to them and find them places in the earth.

One can but commiserate the lot of a secretary of state in relation to affairs

of this sort. Daniel Webster, with genius to be a true leader and commander of men, instead of making himself one, coveted offices and honours such as, under the constitution, the voters of the United States could give; he aimed at the highest post, but saw it filled by little men, whilst he was by them made secretary of state, and had to write diplomatic letters, now excusing a Commodore Jones, and now describing a mad filibustering expedition from Texas in such careful words, that it should seem a question if any one attached to it had any other end in view beyond a little stroke of free-trade on his own account. It was about certain "American citizens captured at Santa Fé" that Webster had to write; and we note it as a lamentable thing, that he pertinaciously insists upon the men being "prisoners of war," which he knew no government in the world would ever, or ought ever, to consent to regard filibusters as being, and least of all his own, which would have condemned M'Leod for murder (although the responsibility of the Fort Schlosser affair and the burning of the Caroline was assumed by the British government), if an *alibi* had not been established. There can be little hope that men like these Texians will find their proper work in the world, whilst those who ought manfully to teach and guide thus mischievously perplex and mislead them.

Here we may mention, in passing, the continuance of the filibustering efforts against Canada,—not now by armed attack, but by the organisation all along the northern frontier of secret societies, called "Hunters' Lodges," which numbered amongst their members persons of such consideration as the governors of Maine and Michigan. Against these fraternities a proclamation was issued by the general government, on the 25th of September, 1841, in such terms as we can imagine, exhorting to peaceful obedience to the laws, and denouncing their illegal designs. Of these designs, in another Book, we may possibly hear again.

The United States' Bank, now only a state institution, comes under notice for the last time in this place. In the month of February before the accession of Harrison to the presidency, as we have already related, it suspended payment. In the following December, "the grand jury for the county of Philadelphia, made a presentment, that the Attorney-general should be directed to send up for the cognisance of the grand jury bills of indictment against Nicholas Biddle, Samuel Sandon, John Andrews, and others (to the jury unknown), for entering into a conspiracy to defraud the stockholders of the Bank of the United States, of 400,000 dollars, in the year 1836; and endeavouring to conceal the same by a fraudulent and illegal entry in 1841." In January, 1842, "an individual of the many sufferers by the Bank failure laid his complaint before the grand jury of Philadelphia, who presented Nicholas Biddle, with Cowperthwaite and Andrews, two of the Bank officers, as guilty of a conspiracy to cheat the stockholders. This presentment was in due form laid before the prosecuting officer, who prepared an indictment accordingly. . . . That unlawful inquisition the court set aside, pronouncing an elaborate review of the circumstances, as well as the law in the question. By the former it appeared to the court, that the Bank directors were more censurable than Mr. Biddle and the other Bank officers; for all was done by authority of the directors, who allowed and indeed encouraged every one to borrow of the Bank, by way of employing its unwieldy capital."



Nicholas Biddle, thus made the scape-goat, on whom all the guilt of all the officers, real and pretended, of the Bank, was laid, died on the 24th of February, 1844. "He left the world," says Ingersoll, one of the most candid opponents of the Bank, "with the great merit of dying poor, when he could have lived rich." On the 17th of June next following, at midnight, Congress, in a tumultuous session, appropriated 225,000 dollars, to purchase of the assignees "the marble palace of the ruined Bank of the United States," for the purpose of turning it into the custom-house of Philadelphia. And the dying embers of the once prodigious business of the Bank were watched in "a few small rooms" in a building erected by a too speculative insurance company, which were hired for the purpose.

How great a shock to American credit the fruits of Jackson's anti-Bank crusade, along with the manifestly unsound commercial principles on which its affairs had in general been conducted, has appeared from our narrative of public affairs in the last and in the present Book. We have also referred to the embarrassment occasioned to Tyler's administration by the non-payment of either the interest or principal of several of the states' debts. These debts had been incurred for various purposes, such as railroads, canals, banks, public buildings, and other internal improvements,—not one of which was in itself objectionable, and almost all would in time, and with proper management, be remunerative enough. European capitalists had liberally and confidently advanced no inconsiderable share of the whole amount, on the ground of these very facts; and the business habits of the people being regarded, it cannot be pronounced wrong either for the states to have pledged their credit, or for the capitalists to have relied upon it as they did. The result of Jackson's operations was so greatly to shake this credit, that as William H. Seward, the governor of New York, in his Annual Message in 1842, remarked—"The securities of other nations are not depreciated, while those of our sister states, whether they owe less or more, are reduced, none less than our own, and some 30, 40, 50, 60, and 70, and even 80 per cent. The federal government, which has once paid absolutely a debt of 189,000,000 dollars, and which now owes nothing, is unable, at the same rate of interest we offer, to obtain a loan for three years of an amount equal to only half a year's revenues." And when the stock had experienced so great a decline in value, it could be only by extraordinary efforts that the states could maintain their solvency.

But there were in some instances the grossest mismanagement and fraud. The board of internal improvement in Michigan, in 1841, reported thus,—“We have expended, or wasted, three-fourths of our 5,000,000 dollars loan, and what have we to show for it? We have finished about forty—say fifty miles” of one railroad, and some parts of two others, “and where are the profits to remunerate the state for this heavy outlay?” In Illinois, railroads were commenced at the same time in every part of the state, so that without having a single work so far completed as to produce revenue, there was a debt of more than 13,000,000 dollars incurred. The governor of Wisconsin stated, that “it was impossible to give, from the records, any specific information of the amount of the public debt of that territory.” Funds to the amount of 56,000 dollars were disposed of in March, 1841; but, he added, “the legislature repudiated all but one of those

bonds sold by the agent, amounting to 1,000 dollars." "About the 26th of March, 1841, bonds bearing 10 per cent. interest, amounting to 7,200 dollars," were issued by the territorial treasurer; "they do not appear to have been issued by any proper authority, but I believe they have been sold,—the territory having derived little benefit from the sale."

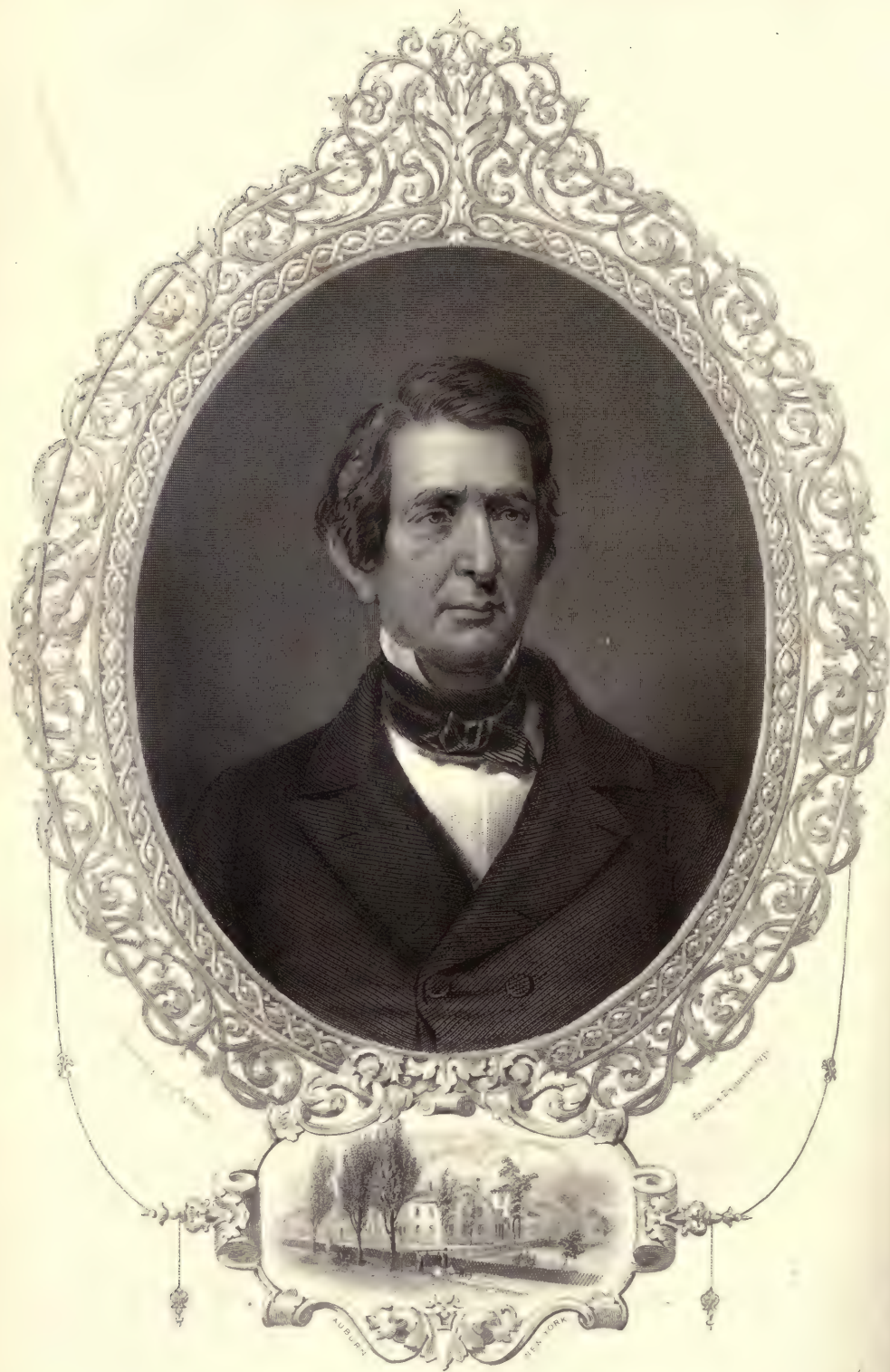
Pennsylvania was at the head of the states which were guilty of this bad faith. Illinois, Michigan, Maryland, Mississippi, Arkansas, Indiana, and Louisiana, in various degrees copied its example. But it followed, as an inevitable consequence, that the credit of all was doubted, and a sudden check was given both to the public works and to the private undertakings in the solvent and honourable states. Governor Seward, in the Message we have already quoted, thus speaks: "The error of the states has been aggravated by other circumstances. To retrieve loans, they plead a failure of consideration or want of authority on the part of their agents, or other excuse, against bonds bearing all the forms of guarantees of public faith, and for which the authorities received, and applied to public uses, sums deemed equivalent. It is known throughout the world, and to none better than to capitalists, that the people here exercise absolute control over legislation, and it is doubted whether they will have the virtue to maintain public credit under the inconvenience of taxation. When we ourselves admit such apprehensions, can we be surprised that they should be entertained in countries where it is a maxim that mankind must be governed by fraud or force? [Or, we may add, in that other country, strangely overlooked, where the government, as in America, represents the free choice of the vast majority of the people—Great Britain?] It results from the intimacy of our federation, and from the uniformity of our institutions, and of the policy, character, principles, and interests of the people, that hesitation by one state brings distrust upon all.

"Another question, of broader scope and even more painful interest, follows closely upon that which relates to maintaining the public faith. Can governments continue to exist, that put justice at defiance, and trample upon sacred obligations? How shall they collect revenue, and enforce the payment of duties, taxes, and claims? How conduct affairs, exact obedience, preserve order, and execute municipal justice? And how can they protect themselves against injustice and aggression from abroad? Such is the ordeal through which American credit is passing: and it retains, and can retain, only the confidence of those who, notwithstanding all unfavourable indications, believe in an ultimate payment of the principal and interest of the debt of the states, in the virtue of the people, and in the permanence of republican institutions."

Let us place, in connection with these wise and honourable observations, some fragments of a speech by Daniel Webster, uttered in the year after the delivery of this Message, at New York, and in the presence of Governor Seward. "Let us be Americans," said the orator of Faneuil Hall, after contrasting the wealth of Pennsylvania with its indebtedness, and that, again, with the prodigious debt of Great Britain, "but let us avoid, as we despise, the character of an acknowledged insolvent community. What importance is it what other nations say of us, or what they think of us, if they can nevertheless say, 'You don't pay your debts!' Now, gentlemen, I belong to Massachusetts,







William H. Sewall.



but if I belonged to a deeply indebted state, I'd work these ten fingers to their stumps,—I'd hold plough, I'd drive plough, I'd do both, before it should be said of the state to which I belonged, that she did not pay her debts. That's the true principle. Let us act upon it. Let us go it to its full extent. If it costs us our comforts, let us sacrifice our comforts; if it costs us our farms, let us mortgage our farms. But don't let it be said by the proud capitalists of England, 'You don't pay your debts!' 'You *republican* governments don't pay your debts!' Let us say to them, 'We will pay them! We will pay them to the uttermost farthing!'" "Let us, gentlemen, be proud of our country; but let us preserve for that country the character of a just and debt-paying nation. Let it never be said amongst the nations of Europe, that the United States of America—the nation that had its birth in the glorious scenes of '76—the country of Washington—the example and great type of all modern republics—cannot or will not pay its debts!"

Pennsylvania, thus acted upon from without, contrived to pay the interest of its debt in February, 1845. Others of the non-paying states made efforts to rid themselves of the burden of obligation and of obloquy they had assumed; but at the period we have now reached, a dispassionate observer stated, that "Maryland and Mississippi appeared to him the most likely to defer a return to the honourable fulfilment of their fiscal obligations; although he believed that necessity and self-interest would eventually cause even those states to pay." "There is at present," he adds, "we regret to say, very little hope of payment held out by either."

"All the states in the Union," said a British statistician, "have pledged their property and their honour for the payment of their debts." And he adds—"Great injustice has been done to the whole people of the United States, by extending to them the ignominy of a minority of the states which have dishonoured their credit; and even in the repudiating and non-paying states, circumstances go far to exonerate a great portion of the inhabitants." Thus much concerning "repudiation;" we now turn to trade and commerce.

Allowance must be made for the altered values of goods, and the pecuniary difficulties of the United States, in estimating the value of these data. For the year ending with September, 1841, the imports into the whole country were reckoned to be worth nearly 128,000,000 dollars, and the exports of native produce above 106,250,000;—but for the year ending with June, 1845, the former were above 10,000,000 dollars, and the latter 7,000,000 less in amount than those sums. In 1841, the imports of the two great sections of the Union were in the proportion of about 108,000,000 dollars for the Northern states, to 20,000,000 for the Southern; and the exports, about 37,000,000 dollars for the North, against about 60,000,000 for the South. But in both instances the amounts set down for Louisiana include goods exported and imported by all the states on the Mississippi and its tributaries, amongst which are Ohio and Illinois. The exports from the North, in the year 1845, were about 40,000,000 dollars, against less than 60,000,000 from the South. The imports of the North in that year were above 103,000,000 dollars in amount, whilst those of the South were not more than 13,000,000. And it must be noted that the imports and exports for the Union between the years 1841 and 1845 were lower than in the last year.

The cotton crop of 1841 amounted to above a million and a half of bales, and the quantity exported was worth more than 50,250,000 dollars; that of 1844 exceeded two millions of bales, but the exports were worth only 54,100,000 dollars. The quantity which was sold to the Northern states for manufacture there, in 1841, was nearly two hundred and seventy thousand bales, and in 1844, nearly three hundred and ninety thousand. The quantity exported to Great Britain in 1841 was more than nine hundred thousand "packages," but in 1844, above a million and a quarter; and the year before that, a hundred thousand more.

From time to time we have remarked upon the progress of the "great central basin" of North America, or, as we should prefer to call it, the Mississippi Valley. We find that in 1840 the total population of this region was only fifty thousand short of eight millions; in 1845 it had increased very nearly to nine millions. And the agricultural products of the latter year were fifty-six millions and a half of bushels of wheat, above ninety-one millions and a quarter of oats, above three hundred and five and a quarter of corn, and above twenty-nine of potatoes; nearly a hundred and twenty-nine million pounds of tobacco, more than six hundred and thirty-one and a half million pounds of cotton, and above a hundred and ninety-four million pounds of sugar.

In another particular the prodigious strides made by the United States, even during this period of diminished energy, may be seen. In the year 1841, there were in all three thousand three hundred and nineteen miles of railroad completed; in 1844, there were four thousand three hundred and eleven, making nearly a thousand in three years! And two hundred more miles were added in 1845. Of this total, seven hundred and fifty miles belonged to the Massachusetts system, and seven hundred to the system of New York; New England, without Massachusetts, had two hundred and ninety miles, Pennsylvania above seven hundred miles, and New Jersey near two hundred; and the western states of the North near three hundred and fifty miles; whilst the whole South had no more than seventeen hundred and ninety miles of railroad.

In an earlier Book mention was made of the Santa Fé and the Western Prairie trade. After the year 1831 the prices realised for goods transported by this tedious and dangerous track began to decline, but at the same time "few or none of the difficulties and dangers which once environed the Santa Fé adventurer, were encountered" after that year. The attacks of the Indians, and thefts of mules, which formed so exciting an element in this mediæval traffic, were now almost unknown. But a new obstacle arose in these very years, which put a stop to the trade altogether, and in the end led to a totally new state of things in this part of the Union,—the revolt of the American settlers in Texas against the Mexican government, and the brigandage consequent upon the declaration of hostilities between such parties.

We have casually caught sight of an expedition organised in Texas, and despatched against Santa Fé itself, in which more than one American, half trader half filibuster, was engaged; and which required all the lawyer diplomacy of Secretary Webster to make out a presentable case to lay before the Mexican government. Other expeditions, by which the Texians hoped to harass the Mexican trade, attacked caravans composed of Americans as well as Mexicans,



—the price of exemption from spoliation offered to the former being the abandonment of their companions. One atrocious affair of this sort was the robbery and murder of Don Antonio José Chavez, a Mexican trader, by a gang of robbers under the command of one John M'Daniel; which occurred close to the frontiers of the State of Missouri. All of them who could be caught were brought to trial; but fine and imprisonment were the heaviest punishments that could be inflicted at the time; though some of them were afterwards convicted of murder. The issue of these filibustering expeditions was a decree by Santa Anna, dated August the 7th, 1843, closing the Mexican frontier on the north against foreign commerce, by which this channel of American trade was cut off. Another decree, in the following year, re-opened the "northern ports" (as they were called), and during the summer and autumn a small stream of commerce flowed across the Prairies again; but the hostile aspect of the United States and Mexico, arising out of the annexation of Texas, brought it speedily to a stand.

It was principally in the wild region of the west that the United States now had relations with the aborigines of the New World. But as yet the demand of the white men for soil to cultivate was limited by the western border line of Arkansas and Missouri; and only the half-savage hunters and trappers disputed with the red men the possession of the almost trackless waste beyond. Scenes like those which imparted such strange interest to the adventures of the "Pioneers," who first penetrated the forests lying between the Alleghanies and the Mississippi, were of daily occurrence there; but they concerned only the actors in them. Civilised men were made aware of them only by the casual participation of some modern knight-errant, or the pages of the romancist.

Texas, on the other hand, was the arena of a conflict far more closely resembling that which had driven back the Indian tribes, step by step, from the Atlantic into the American desert. There, in the most advanced settlements, still occasionally happened the nocturnal surprise, with its horrid accompaniments, and the protracted and successful siege. The rifle there was as needful to the farmer as his axe or his plough; and women as well as men required skill and courage in the use of that deadly weapon.

In Florida the war, that cost the United States so dear both in lives and in money, was brought to a close. In 1839 General Macomb believed that he had ended it, by inducing the Indians to retire into the district below Pease Creek, where they were to remain unmolested. This was in May, but in July the war was recommenced by a sudden onslaught upon the United States' post on the Caloosahatchee; and without this rupture of the truce, we know that nothing but the removal of all the red men from the country would have given content to those who really began the war. The capture of Coacooche was the first genuine success, and the possibility of accomplishing the clearance of the territory of its former population dates from that event. The expedition in the Everglades—those remarkable natural features of Florida—which led to the breaking up of the last Indian confederacy there, was the second step; and the concentration of the settlers in defensible posts consolidated these slowly-won conquests. The final stroke was effected by the discovery of the central camp of the enemy, and their total defeat there by Colonel Worth. This was followed

by the emigration to the Western Territory of almost all the Indians, under the command of Halleck-Tustenuggee; those who remained being restricted to the country below Pease Creek. The treaty of pacification was dated August the 14th, 1842, and after that nothing of moment, unless we except the capture and forcible removal of Tiger-tail, occurred. In 1845, the historian of this war testifies,—and his phrases deserve attention, as unintentionally exhibiting the spirit of the whole affair,—“No state or territory in the Union, from which the Indian has been expelled, has had the good fortune to find so few of these natural enemies to civilisation remaining in its midst as Florida. Other parts of the country have been annoyed with remnants of bands lingering about them, disgusting objects of compassion. But the Indians in Florida, from the prolific resources of the soil and the deliciousness of the climate, so well adapted to their habits and wants, are placed far above the demands of charity or sympathy.” After which, who can defend the war or the removal of the Indians?

There was one question of some delicacy that had to be settled when the Indians submitted,—the fugitive or alleged fugitive slaves, whose property should they be? And, perhaps, interest rather than humanity determined that they should be left in the possession of the red men, a compensation being given to every white man who proved his title to any one of them.

We spoke of the political organisations of the Cherokees and the Chocktaws, when the endeavours of Georgia and the other states to dispossess them of their patrimonial territories first were noticed, and the legalised institution of negro slavery was pointed out as one most remarkable feature of them. Amongst the Creeks and Seminoles also this affectation of Southern manners prevailed, but it was not characterised by its darker peculiarities. When the first-mentioned tribes were settled beyond the Mississippi, they gradually adopted all these, as the following notes of laws, enacted during the four years now under our consideration, will show.

By an “Act,” dated the 22nd of October, 1841, the crime of teaching “any free negro or negroes not of Cherokee blood [whatever that may mean], or any slave belonging to any citizen or citizens of the nation, to read or write,” is subjected to a fine varying from 100 to 500 dollars, “at the discretion of the court.” Another “Act,” passed on December the 2nd, 1842, directed “sheriffs” to notify free negroes to leave the limits of the nation by the first day of the next year, under penalty of being immediately expelled; and menaced “free negroes” who might attempt to decoy a slave from his “owner or employer” with a hundred lashes “on the bare back,” and immediate expulsion from the nation. But, in ridiculous connection with these statutes, we find one, enacted on the 15th of November, 1843, “to legalise intermarriage with white men.”

After these examples, which we should be entitled to regard as caricatures were they not so cruelly real, we need to say little, in addition to what other topics have incidentally introduced, of slavery during this term. Human nature in the South must differ in kind from human nature in other parts of the globe, if it be impervious to the *reductio ad absurdum* of these Cherokee statutes.

But there is another aspect of this “institution,” which is presented to us



now, and which we ought to regard in our estimate of this matter. Once and again we have seen how grievously the spirit of the Union was "nullified" by the inordinate yet logical requirements of the slaveholding states: how the sovereignty of the states severally, and the freedom of the citizens of them, is in the same manner subverted, ought also to be observed.

One fact we will record in the curt form of the Annual Chronicle:—"1844, Dec. 5.—The Hon. Samuel Hoar, who was sent by the state of Massachusetts to act as its agent in Charleston, S. C., for the purpose of aiding the coloured citizens of Massachusetts, imprisoned by the authority of South Carolina, was expelled from that city by the citizens, the legislature having passed resolutions, on the same day, authorising the governor to expel him." And in the year before, that very state of Massachusetts had inaugurated a monument at Bunker Hill!

New York, "the Empire State," under the administration of Governor Seward, who so unnecessarily demonstrated his freedom from fear of British vengeance, was in the same way insulted and tyrannised over by the South. This is one story, taken from the Memoir of W. H. Seward:—"In 1839, a vessel from Norfolk, Virginia, on arriving near the port of New York was found to contain a slave, who had secreted himself in the hold. He was taken and conveyed back to bondage. Three coloured seamen belonging to the vessel, who had expressed their sympathy with the fugitive, were charged with having conveyed him out of the state by stealth. Affidavits were made to that effect in Norfolk. A requisition, based on these affidavits, was made by the lieutenant-governor of Virginia upon the governor of New York, for the surrender of the accused, in accordance with the provisions of the constitution of the United States, and the Act of Congress of 1793, concerning fugitives from justice. Before the requisition was presented to Governor Seward, the parties had been arrested in the city of New York; but, having been brought before Robert H. Morris, the recorder of the city, on a writ of *habeas corpus*, were discharged by him, on the ground of the insufficiency of the affidavits to justify their detention. Governor Seward [overlooking, as it appears, the gross infringement of the sovereignty of the state] replied that they had been discharged from arrest in due course of law, and that affidavits in support of the requisition were informal and insufficient. At the same time he admitted that these affidavits could be replaced by new affidavits, or a formal indictment.

"Disdaining, however, to stand upon mere light technicalities in so grave a cause, he met the question on the broad and universal principles which it involved. He took the ground, that the crimes contemplated by the constitution of the United States, in its provisions authorising the demand of fugitives from justice, between the several states, were not such crimes as depended on the arbitrary legislation of a particular state, but such as were *mala in sese*,—crimes which could be determined by some common standard, as the concurrent sense of the several states,—the common law received in them all alike, as the universal sentiment of civilised nations. No state, he argued, could force a requisition upon another state, founded on an act which was only criminal through its own legislation, but compared with general standards was not only innocent but humane and praiseworthy.

"Thus the aiding of a slave to escape from bondage was in itself an act of virtue and humanity. No state could pronounce such an act as crime, without a perversion of both reason and justice. Still further, though slavery was left by the constitution of the United States to the exclusive jurisdiction of the states where it existed, it was carefully excluded from federal recognition. Hence no state was bound by the constitution to recognise slavery or any of its incidents in another state, so as to create an obligation for the surrendry of persons charged with offences or violation of laws enacted by slaveholding states for the maintenance of slavery. This reasoning was applicable to all cases, and not alone to those which grew out of slavery." And, accordingly, it was applied by the governor to another case, which involved him in a controversy with Georgia, respecting a fugitive slave.

Further, in this place we will only notice the sending out of Colonel Fremont's exploring expedition by land, at the same time that the other expedition, noticed in the last chapter, was sent out by sea;—which, in like manner with that other, bore abundant fruit in the increased advantage of the internal communications of the United States, and in the actual occupation of their territories on the Pacific Ocean; as the next Book will show.

Such an administration as that of President Tyler, like that of General Jackson, but in a different manner, may be regarded as a trial of the strength of the constitution of the United States. And, so regarded, the study of it cannot but be of great profit to American statesmen. We do not here pretend to discourse of the various and numerous "lessons," which even the most cursory perusal of our history of it would suggest;—but there is one which, as it was the ground of the whole mistake, in electing a man of Tyler's calibre and qualities as Vice-President; so, too, is it one of the very first matters pertaining to the domestic politics of the Union, that require a complete reform.

Only a "party vote" could have placed Tyler in nomination for an office of the *possible* eminence and responsibility of the vice-presidency of the United States. The faintest regard for the dignity and good of the commonwealth would have prevented such a candidate from being so much as glanced at. When the really popular Harrison (and in passing we may without censoriousness say, that his popularity was his chief, if not his sole, recommendation) had been adopted as the Whig candidate for the chief magistracy, and the party was thus assured of success, the only concern, with regard to the subordinate office, was to name *some one*, lest their antagonists should divide the triumph with them, and Tyler was nominated simply because, as the "ardent friend" of Henry Clay, he was sure of support from his friends; and those who were not adherents of the Kentucky statesman had nothing positive to object to in him, so that the whole "party" could vote for him.

Humiliating though it was to America to see Tyler filling the place which ought to be sacredly reserved for her first citizen, she yet had the satisfaction of reflecting that the national organisation stood the trial. But it must be admitted that if this system of mere party election be established, and the constitution remain unshaken, it will be manifest that *only in form* is it an advance upon those European politics in which the principle of hereditary monarchy practically reduces the person of the executive to a mere nullity.



“It will not be too strong to say,” thus did the *Federalist* predict, “that there will be a constant probability of seeing the [Presidency] filled by characters pre-eminent for ability and virtue. And this will be thought no inconsiderable recommendation of the constitution, by those who are able to estimate the share which the executive in every government must necessarily have in its good or ill administration. Though we cannot acquiesce in the political heresy of the poet. who says—

‘For forms of government let fools contest,—  
That which is best administered, is best ;’

yet we may safely pronounce, that *the true test of a good government* is, its aptitude and tendency to produce a **GOOD ADMINISTRATION.**”

## BOOK V.

### THE ADMINISTRATION OF POLK, AND THE MEXICAN WAR.

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#### CHAPTER I.

NATIONAL AFFAIRS DURING THIS PERIOD.—THE ANNEXATION OF TEXAS.—THE OREGON QUESTION.—THE NEW TARIFF.—THE SUB-TREASURY.—“THE WILMOT PROVISIO.”—THE OREGON CONVENTION.—AID FOR IRELAND.—THE COMPROMISE BILL.—NEW PARTIES, AND CHANGES IN OLD PARTIES.—ELECTION OF TAYLOR AND FILLMORE.—THE COAST SURVEY.—EL DORADO DISCOVERED.—TREATIES WITH FOREIGN POWERS.—ORGANISATION OF CALIFORNIA.—RAILWAYS TO THE PACIFIC.—THE SLAVE-STATE CONVENTION.

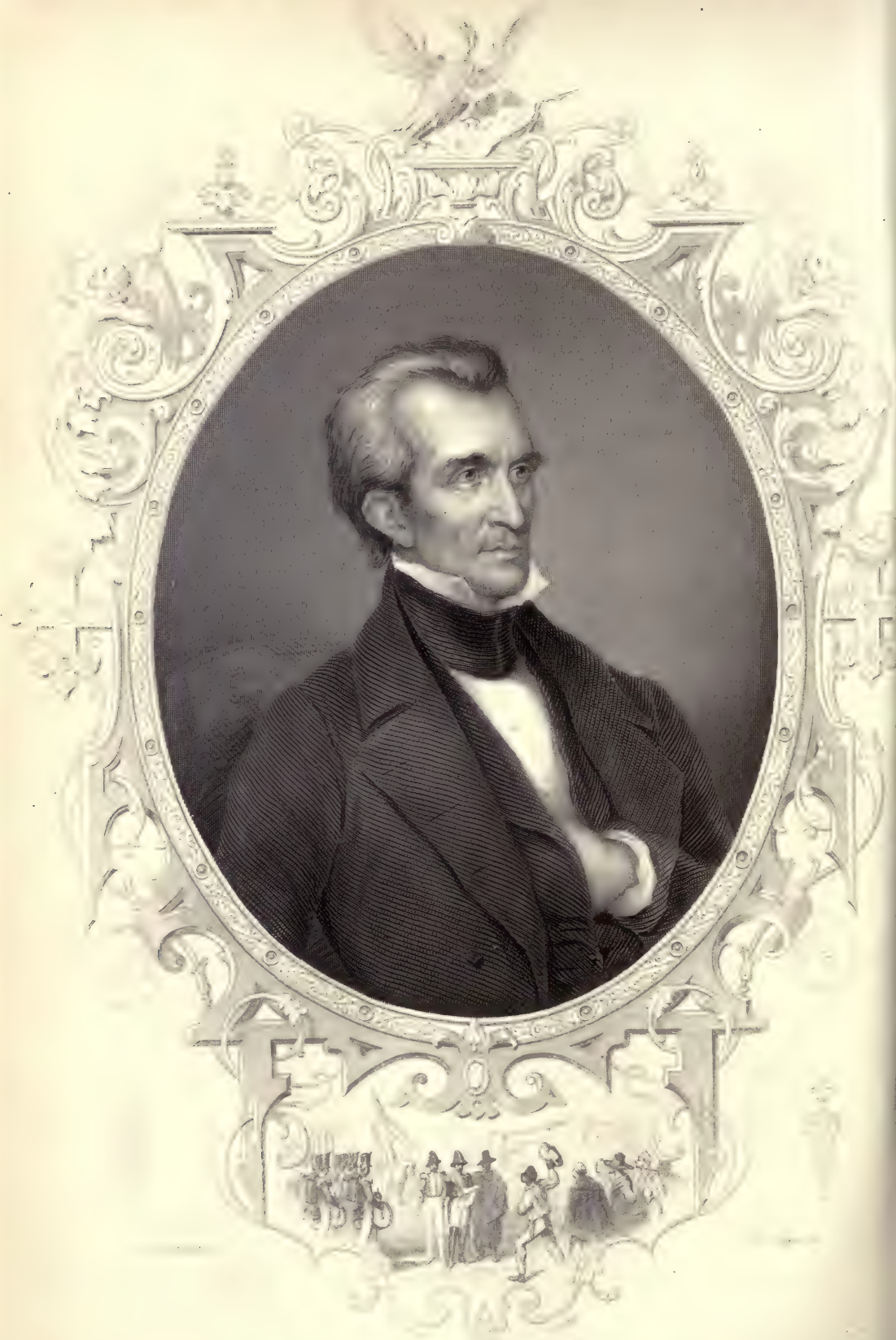
SELECTION now becomes increasingly more difficult and more needful, as the principle by which our history must be constructed. In the proper sense of the word, indeed, history is almost impossible in the case of events so nearly of immediate and personal interest as those we have now to record. In spite of ourselves we are annalists and chroniclers, not historians, in such circumstances. We can guess pretty nearly what objects, of those which surround us, will appear to a spectator placed at sufficient distance to view them as parts of a landscape, but how they will show we cannot tell. Not all our experience in studying scenery, and resolving it into elements, will serve for this; although, conversely, our observation of things around greatly aids our comprehension of the remote prospect. Impartiality and faithfulness are, however, as possible now as before; and these will correct and prevent many an error otherwise inevitable.

The concourse of people on March the 4th, 1845, was greater than was usual at the inauguration of a new President. Not only had the progress of affairs made it an affair of the highest moment to a larger population,—this was the celebration of the victory of Democratism over Whiggism, under circumstances which rendered the victors more than ordinarily jubilant. They had succeeded by mere strength of numbers, against all probability,—against all that was represented by the orator of Kentucky. Before America now lay a career of dazzling splendour, as they deemed: Texas theirs; Oregon—all Oregon—theirs too, be the consequences what they might. No one doubted that the presidency of Tyler had proved worse than a failure: the new President's term of office should give the world assurance that the ancient spirit of the United States was still strong within them, and their power not decayed, though so long paralysed. Not even the drenching rain could repress the exultation of the day.

In its main outlines the ceremony resembled that observed at former inaugurations; but the procession was more numerous, the persons composing it more dignified, the spectators more crowded, the display more gorgeous. Tyler







James H. Sullivan



remained to grace his rival's triumph, and the diplomatic and other notabilities attended in force. The address was a long one, but the following passages are all that concern us now.

"The constitution itself," said the acolyte of Jackson, "plainly written as it is, the safeguard of our federative compact,—the offspring of concession and compromise,—binding together in the bonds of peace and union this great and increasing family of free and independent states, will be the chart by which I shall be directed." Then, after promising to act according to "the true spirit of that instrument, and to assume no powers not expressly granted or clearly implied in its terms," he proceeded to eulogise the government of the United States, as "one of delegated and limited powers," as the "most admirable and wisest system of well-regulated self-government among men ever devised by human minds," and thus expounded one feature of it:—"By the theory of our government, majorities rule; but this right is not an arbitrary or unlimited one. It is a right to be exercised in subordination to the constitution, and in conformity to it. One great object of the constitution was to restrain majorities from oppressing minorities, or encroaching upon their just rights. Minorities have a right to appeal to the constitution, as a shield against such oppression." Our history has shown that minorities, and majorities too, have on all occasions been ready enough to "appeal to the constitution;" but we cannot say that the former have found it a very effectual "shield against oppression." No doubt it is to be explained, but such is the fact.

The veto power was next praised, and then the freedom which was the ægis of the land, *à propos* of which the President observed,—“It is a source of deep regret that in some sections of our country misguided persons have occasionally indulged in schemes and agitations whose object is the destruction of domestic institutions existing in other sections,—institutions which existed at the adoption of the constitution, and were recognised and protected by it. All must see that if it were possible for them to be successful in attaining their object, the dissolution of the Union, and the consequent destruction of our happy form of government, must speedily follow.” We do not perceive the logic of this alleged consequence, but we are bold to say that should the case stand thus, it might well become those whose peaceful agitation for the removal from their country of the stain of that grievous crime is here menaced, to consider if their object was not cheaply gained even at that price.

Next came a recommendation to maintain "the compromises of the constitution," and to discountenance "sectional jealousies and heart-burnings,"—which meant that the North should continue to submit to the South, in a matter of conscience,—the more numerous, enterprising, wealthy, and powerful section of the nation, to the less so,—as it had been up to that time, and, indeed, until a recent period has been. "We need no banks," continued the speaker; "I shall regard it to be my duty to recommend . . . and . . . to enforce . . . the strictest economy;"—"a national debt . . . is incompatible with the end for which our republican government was instituted;"—and "happy would it be for the indebted states if they were freed from their liabilities, many of which were incautiously contracted."

"I regard the question of annexation as belonging exclusively to the United

States and Texas. . . . To enlarge its limits [those of the Union] is to extend the dominion of peace over additional territories and increasing millions. The world has nothing to fear from military ambition in our government." Did the President mean to distinguish between "military" and certain other kinds of "ambition," less noble? "Foreign powers should look on the annexation of Texas . . . as diminishing the chances of war, and opening to them new and ever increasing markets for their products."

"Nor will it become in a less degree my duty to assert and maintain, by all constitutional means, the right of the United States to that portion of our territory which lies beyond the Rocky Mountains. Our title to the country of the Oregon is 'clear and unquestionable,' and already are our people preparing to perfect that title by occupying it with their wives and children." "In the meantime, every obligation imposed by treaty or conventional stipulations should be sacredly respected."

"Although, in our country, the chief magistrate must, almost of necessity, be chosen by a party, and stand pledged to its principles and measures; yet in his official action he should not be the President of a party only, but of the whole people of the United States." We shall speedily show how far the conduct of the new President was conformable to the noblest and manliest of these avowals, and how far he proved "the President of a party only." The verdict of his own party, at the conclusion of his term of office, will not be difficult of interpretation, and may seem to illustrate the effects, perfectly legitimate (as our story will demonstrate), of electing to the presidency, not only mere party-men, but in fact only such party-men as could by a party alone be elected.

On the second day of his tenure of office, Polk nominated his ministers, and the Senate, then in session for the purpose, confirmed the appointments. James Buchanan was made Secretary of State; Robert I. Walker, Secretary of the Treasury; William L. Marcy, Secretary of War; George Bancroft, Secretary of the Navy; Cave Johnson, Postmaster-general; and John Y. Mason, Attorney-general.

Tyler's proceedings in relation to the Texas annexation question very happily exhibit the inconveniences of the plan of party-government, so emphatically disavowed by his successor. Congress left it to the option of the President, whether the annexation should be accomplished by treaty, in the regular manner, which would necessarily have transferred the glory of the deed to his successor (and which was the intention of Benton and those who carried the amendment to the original resolutions), or should be effected immediately, according to the tenor of those resolutions. The Democrats insisted afterwards, that no one thought of Tyler's being concerned in the matter; everybody looking to Polk, who had been chosen in preference to Clay, mainly on account of his being an annexationist at any price. But Tyler immediately availed himself of the opportunity presented, and communicated the joint resolutions of Congress to the *chargé-d'affaires* of Texas, thus anticipating his successful rival, and leaving Polk nothing but the formal completion of what he had done.

On the part of Texas, a convention was immediately summoned, and on July the 4th, 1845, it assented to the joint resolutions, and the country was



thus made an integral part of the Union. The President was requested and authorised to lose no time in establishing a line of frontier-posts, and occupying any exposed position along the western border of the new state; and an "army of occupation," under the command of General Zachary Taylor, was despatched for its defence. On July the 26th, a body of United States troops was landed at Aransas Bay, and on the same day the American flag was first hoisted, by authority, at the south end of St. Joseph's Island, in sign that the land was now united to the great Confederation.

General Almonte, the Mexican minister at Washington, had demanded his passports on the 6th of March, and at the beginning of the following month, the Mexican government refused to hold any further communications with the United States minister, on the ground that the annexation of Texas was an act of war against Mexico; and thus in fact commenced the Mexican war, although hostilities did not actually take place until the following year. And here we leave this subject until the next chapter, into which we shall compress our narrative of the whole affair, both in its legislative and political aspect and in its military relations. Upon Polk was thus thrown the responsibility of the war, although, as in the case of Jefferson and Madison with the second war with Great Britain, to his predecessor really belonged the blame of having hurried matters forward, in spite of the representations of Mexico, until no course was open to him but the appeal to arms.

Oregon was the subject next in importance to which the attention of the administration was directed. The Baltimore convention, when it nominated Polk as democratic candidate for the presidency, announced (as we remember) amongst the "cardinal articles of democratic faith," the re-occupation of Oregon" and the "re-annexation of Texas." The latter had been realised by Tyler, but the former was left for the new President to accomplish, if he could. Our readers will remember that, in 1818, a convention was arranged between the governments of the United States and Great Britain, for the joint occupation of this region during the next ten years; and that by a second convention, in 1827, this arrangement was indefinitely prolonged, with the provision that, after the termination of the ten years originally fixed for the joint occupation, either of the contracting parties might set aside the arrangement by giving twelve months' notice to the other. How Benton and others protested against the division of the sovereignty, and laid claim to all, and more than all, the territory in question, and how they who gloried most in the "compromises" of the constitution and the legislation of the United States resolutely renounced all compromise here, have appeared in our former notices of this matter. And we have seen how, in default of any other subject, by reference to which the mis-Anglican party were able to keep alive that jealousy of the old country, that was to them the principal pledge of manifestation of the independence of their own, this Oregon question was used, until at last the "re-occupation" of the territory, which had never by either party to the contest been occupied at all, was made one of the tests of democratic orthodoxy.

It must be borne in mind, however, that positive and peremptory as was the tone of all who spoke against the joint occupation, and who advocated the wildest claims before American audiences, and in the columns of the newspapers, the

government had endeavoured to effect a "compromise" with the government of Great Britain (whose claims had been as broadly and uncompromisingly made as those of the United States); and had proposed a line which was in fact a continuation to the Pacific of the boundary already established on the eastern side of the Rocky Mountains. And the blame of the non-acceptance of this reasonable solution of the difficulty, as it seems, now rested with the British government. For we cannot reckon the proposal of the latter as a practicable compromise; and hardly as a *compromise*. at all, the conflicting claims and the arguments in justification of them being taken into account.

We remember that in the instance of Texas the real, but not often avowed, reasons for and against its annexation, on the part of the two great sections of the Union respectively, was the additional weight which would thereby be given to the Southern and slaveholding interests, against the interests of the free states of the North. It is to be remarked now that, on this Oregon question,—as indeed with regard to every question of national import in the United States,—the same principle entered into the formation of the two parties in favour of, and opposed to, the assertion of the widest claims. "The area of freedom must be extended:" such, as Isaac E. Holmes, of South Carolina, the "practical nullifier" we have already met with, stated, was one of the "abutments" on which was "to be sprung the great arch that was to cover the whole question with its mighty influence." And as a South Carolinian he resolutely opposed the extreme claim.

President Polk, as we said, was elected in good part because his sponsors at the Baltimore convention avouched him to be determined to have the whole of Oregon; and thus, no doubt, he won the support of the North; even as we know his soundness in the faith regarding Texas secured for him the votes of the South. But when securely seated in the chair of office, he inevitably fell back upon the views which as a Southern man were naturally his own, and which were diplomatically the most realisable. On July the 16th, a conference was held between the new Secretary of State and the British minister at Washington, at which the former presented a statement, in which the old proposal of the forty-ninth parallel was repeated, in a manful and conciliatory manner. But it met with such an unsatisfactory reception, that in his next communication, after giving a very full and complete *résumé* of the question as viewed by his government, the American negotiator withdrew his proposal; preserving, however, the conciliatory tone of his first statement, and expressing the hopes of the President that the controversy might be soon and safely adjusted.

From this brief account no picture of the fierce excitement which spread through the country can be derived. The old hostility to Great Britain seemed revived in greater strength than ever before. North and South, laying aside every consideration of enlightened political expediency, which counselled the maintenance of peace with the parent country, appeared to be inflamed with an unappeasable determination to appeal to arms at once; and it was not obscurely intimated that, should the sword be drawn, as the harvest to be reaped on the battle-field, nothing less was expected than the whole of the British possessions in North America. On the other side, in the Parliament of Great Britain (where, however, only the last Message of President Tyler was known), and in



the public journals, the most exciting language was used; and the resolution to insist upon the most extensive claims of that government to the disputed territory was avowed by the members of the government themselves. With the Mexican war on the very eve of breaking out, and with no means of avoiding or averting it, for Texas could not be cast off without worse results, the administration saw itself drifting fast into such a position with regard to Britain that actual hostilities could not be prevented.

Yet there were to be found, in both countries, numbers of politicians and statesmen who inclined to more reasonable measures than the spokesmen of the multitude, on both sides of the Atlantic, advised. These could see clearly enough that the rival claims were of such a nature that by a compromise alone could they ever be equitably adjusted; and that the honour of neither party to the dispute required the sacrifice of so much wealth, and so many lives (more precious than all other wealth of nations), as must be sacrificed if the validity of the conflicting claims should be submitted to the arbitrement of war; whilst centuries would not then efface the rankling enmity from either people against the other. But to Daniel Webster is due the movement which led to the solution of the difficulty and the settlement of this grave question. A letter of his, addressed to the statistician M'Gregor (whom we have so frequently quoted from, and referred to), strongly deprecating the course taken by the British ambassador, and recommending the acceptance of the forty-ninth parallel as an equitable basis for treating, was communicated to Lord John Russell, and by his advice to the government (for he was himself in opposition then), "and the result was, that the first packet that left England carried out to America the proposal [which was, in fact, the original proposal of the United States' government] on which the treaty of Oregon was [soon afterwards] happily concluded."

We do not need to refer to British authorities on this matter, but we may give the following paragraphs from a speech uttered by Webster at Boston, in the month before Congress assembled, as indications of the arguments which prevailed with the people of the two countries, and preserved an honourable and honest peace. After speaking of the distance of the region in question from Washington and London alike, and predicting, on that ground, the uprise of "a great Pacific republic, a nation where our children may go for a residence, separating themselves from this government, and forming an integral part of a new government, half-way between England and China," the orator proceeded thus:—

"But, gentlemen, in this point of view is this a subject upon which it is proper, by popular appeal, or by loud representations of patriotism, or by a sort of stormy defiance of the power of a great nation, on one side;—is it proper, on the other side, by cries about the maritime ascendancy of England—the great wealth, the dignity, the power, the martial prowess of England;—is it a question on which, by outcries of this sort on either side of the ocean, these two great communities are to be embroiled and plagued in all their commercial and friendly relations, or to be compelled to run into the horrors of war? No, gentlemen, the spirit of the age is against it!"

Then, showing the reasonableness and propriety of the proposed boundary line,

the forty-ninth parallel, he asked,—“Who is the man at the head of either government who will take upon himself the responsibility of bringing on a war between two nations like Great Britain and America, upon a question of this kind, until he is prepared to show that anything and everything that he could do has been done to avoid such a terrible ultimate result?” And thus he reproved and allayed the alarm which the commercial part of the community had felt at the menacing language spoken by the noisier politicians, both in England and America.

“Now, gentlemen, I do not propose that on this subject we take any alarm. I propose that we keep ourselves cool and calm. In some of the Southern cities there is now some agitation for fear of a war. I regret this much. I hardly say I regret the feeling,—that is natural. But I regret the cause. It is a common mistake of men, not in the most elevated position, that they think they can play the small patriot safely, in a small way. There are those who think that they can talk of a war with England, and any other nation, and get credit for their patriotism and lofty love of country, but keep the game in their own hands. That may not happen. At any rate, that is not the way nor the course which just and lofty and respectable men feel on the great question of peace or war. This constant speculation, this supposition that war may come, is half as bad as war itself. It interferes with all the business and arrangements of life. It confounds and confuses men in regard to their own business plans. What we want is settled peace, and the conviction that peace will remain until there is some just and sensible cause for war.”

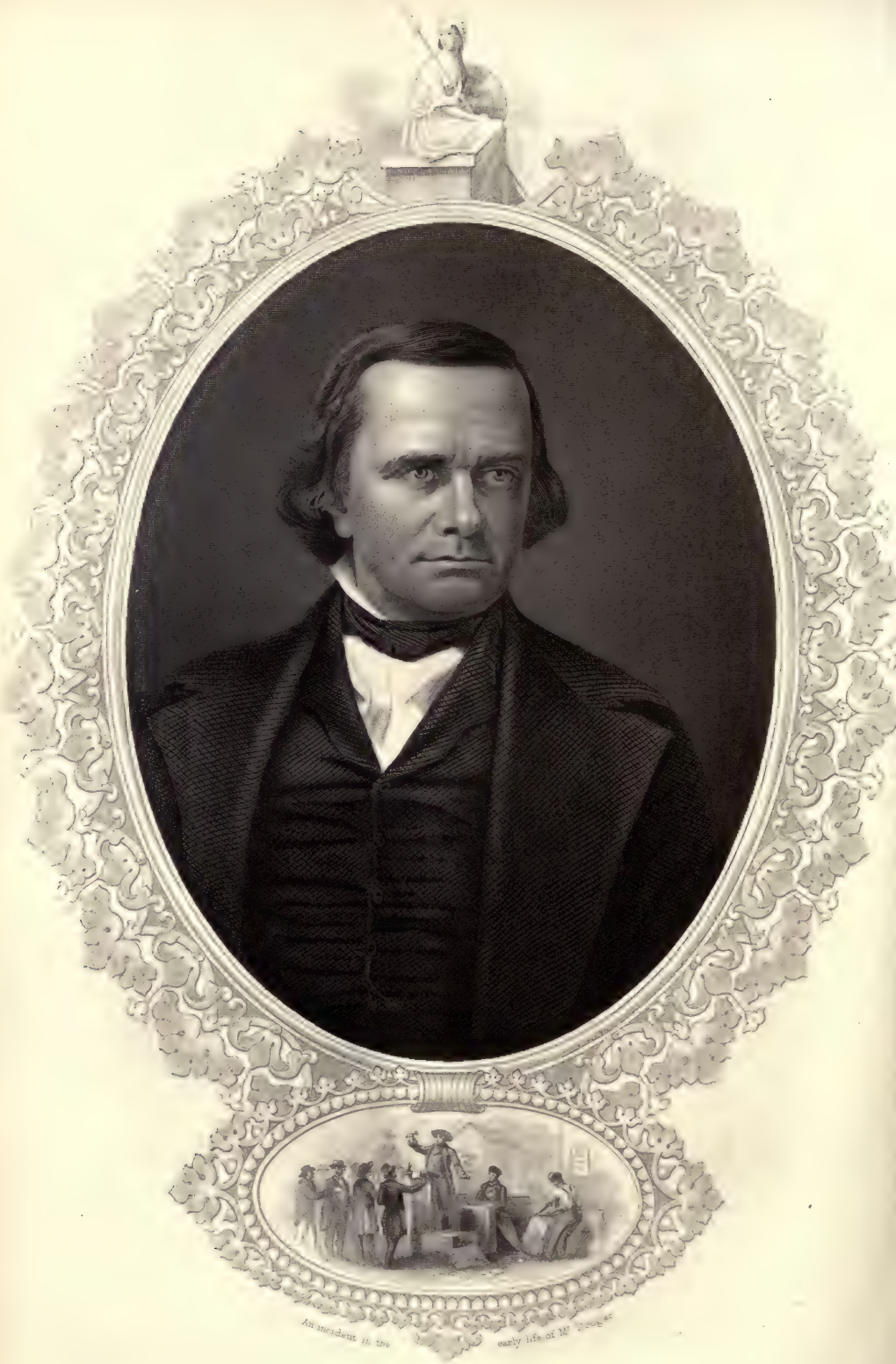
This was the position of affairs when, on the 1st of December, the twenty-ninth Congress assembled for its first session. Removals from office (which were now the settled custom on the accession of a President of a different political party from his predecessor) had effected so great an alteration in the balance of power between the parties, that in both Houses the Democrats had a decided majority, as the choice of John M. Davis for Speaker, by a majority of a hundred and twenty votes over seventy-two votes given to Samuel F. Vinton, and nineteen scattered amongst other candidates, clearly proved. On the following day the Message was received; and in one respect this document was especially noticeable,—it considerably exceeded in its wordy profusion the profuse and wordy Messages which since Jackson's time had been in vogue.

What was said of Texas we reserve for the next chapter. Respecting the Oregon territory, the President gave a full history of the negotiations, &c., by which the question had been brought into the then existing condition, and recommended that provisions should be made by law for giving the notice required for the termination of the convention with Great Britain, of the 6th of August, 1827. He also recommended Congress to proceed with as little delay as possible, to the full extent to which the British Parliament had proceeded with regard to British subjects in that territory, in affording to the citizens of the United States there “the protection of our laws and our jurisdiction, civil and criminal,” and to establish an Indian agency there, with various other provisions that indicated the resolution of the administration to act with the greatest vigour in substantiating the American claims to the whole of the tract.

More ominous regarding the future was the re-assertion, in the most







An incident in the

early life of M. Douglass

*L. A. Douglass*



peremptory manner (but restricting it to North America), of the dictum of President Monroe respecting the colonisation of the American continent by the powers of Europe. The President most emphatically disavowed for the western world any relation to, or part in, that states'-system which had gradually grown up in Europe, of which the maintenance of "the balance of power" was one most important part, and thus he concluded,—“Existing rights of every European nation should be respected [the Cuba question had not then assumed the appearance it has since presented]; but it is due alike to our safety and our interests that the efficient protection of our laws should be extended over our whole territorial limits [and with this, certainly, no foreign power could be displeased, for it was a matter of domestic concern solely whether the United States chose to leave any part of their territory without such protection], and that it should be distinctly announced to the world as our settled policy, that no future European colony, or dominion, shall, with our consent, be planted or established on any part of the North American continent.”

The financial statement showed that both the receipts and expenditure of the year (three months only of which were included in the new President's term), approached the sum of 30,000,000 dollars, and that the expenditure exceeded the receipts. The amount of the public debt was more than 17,000,000 dollars.

Amongst the miscellaneous recommendations, the principal were, the revision of the tariff laws, for the purpose of reducing the rates of duty and abolishing the protective system; and the establishment of a constitutional Treasury for the custody of the public money,—the employment of state banks as depositories being in effect the conversion of that money into banking capital, and the loaning of it to the banks without interest, to be loaned by them at interest to their borrowers. The employment of steam in the navy, and the exercise of liberality and generosity towards the citizens of the district of Columbia, were also suggested. And the Message was concluded by a panegyric upon Andrew Jackson, who had died in the preceding summer.

In the Senate the discussion of the Oregon question was opened in the middle of December by General Cass; who introduced resolutions for inquiry into the condition of the navy, and of the land defences and militia, assuming the imminence of war, in a speech which, regarded as an address in the legislature of a great nation, is a very remarkable production; or would be, had it not been outdone in its own peculiar species of oratory and statesmanship by the speeches of several other senators of far less eminence than Cass. Daniel Webster and others, as far as their speeches went, did much to retrieve the character of the Senate; but the unseemly and unprovoked violence of the other side remained unproved, and not a single vote was recorded against the resolutions.

Whilst this debate was proceeding, Stephen A. Douglas, in the House of Representatives, was co-operating with Cass and those who sided with him, by means of a bill for protecting the rights of the American settlers in the disputed territory, and by the introduction of resolutions (in opposition to some of a conciliatory nature printed by Winthrop of Massachusetts), declaring that the claims of the United States could neither be “compromised” nor submitted to arbitration. And at the same time a joint resolution of the two Houses, giving

the requisite notice to Great Britain for terminating the joint occupation of the territory, as the President had recommended, was pressed forward.

Any abstract of the debates which arose upon all these resolutions, &c., would fail to convey a correct impression of their nature and tendency. Every rational and conceivable aspect of the question, as well as many aspects not rational nor (strictly speaking) conceivable, were elaborately expounded and argued. The title of the United States to the territory,—which every speaker considered unquestionable, and which every one put upon a different basis;—the notice of dissolving the convention of 1827, and would it result in peace or war?—the extent of the claim, and the possibility and propriety of negotiation and compromise;—national defences;—the war of 1812;—the Revolutionary war;—with an endless variety of other topics, introduced one is fain to believe, principally for the purpose of commending the speakers to their constituents “at Buncombe,” and not meant to waste the time or derogate from the dignity of the national legislature, were treated of in amplest and most excited manner.

Representative Douglas disputed the right of Great Britain to possess “one inch” of land on the north-west coast of America; averring that Russia, Spain, and the United States alone had such right; but *why*, or *how*, especially as Great Britain actually had possessions there, and Spain had none at all, the impassioned orator failed to make plain. Indeed, he said that he would never agree to any arrangement not based upon this assertion; which, as he was not in the Senate, was a promise of little moment.

But, as an observer of the feeling of the country under these stimulating applications has recorded,—“the temper of large portions of our people had been wrought up to high fever-point. The image of some flagrant wrong, hidden from their knowledge, as they supposed, for a quarter of a century, rose up before their excited visions in grim demand for retribution. The character of the debate, the fierce appeals which in some cases were made to popular passions, added fuel to the flame. They who had raised the storm, whose muttering thunders were even now heard in the distance, began to realise the conviction that, yet a little while longer, and they would neither control nor direct it.” It was, in fact, painfully evident that the spirit of the people had been aroused, by the most exaggerated representations, for the selfish ends of speakers as undeserving of the confidence of the multitude as they were incapable of inspiring it with truly noble enthusiasm. And lovers of their country could but rejoice (with trembling, it might be) that there was yet sufficient influence at the command of those who could conceive a plan of enlightened and generous policy to counteract—though it was with difficulty—the mischievous effects of these declamatory incendiaries.

Meanwhile, negotiations had actually been recommenced, and were proceeding, between the British minister at Washington and the Secretary of State, with more than the customary rapidity of such affairs; and although the supporters of the administration in the legislature did not know what the views of the government really were, and the advocates of the forty-ninth parallel, and of the parallel of “fifty-four—forty,” by turns claimed the President as theirs, and wrangled over their contradictory statements of his opinions, we know that common sense and the country’s good carried the day with those to whom



happily, the execution of the popular will was now committed. But we must pause here, and note some other business transacted by Congress in these months; for it were unjust to tell the story of this session so that it should seem wholly unmindful of its proper tasks.

A new Tariff Bill was well discussed, and eventually carried by a majority of a hundred and fifteen over ninety-three, in the House of Representatives, but by a majority of only one in the Senate (and on one question by the casting vote of the Vice-President), where Webster, the great protectionist, now that Clay had withdrawn from the field, thundered against it, for bringing into dangerous competition with domestic produce, in the home market, the manufactures of Europe. *Ad valorem* duties were imposed instead of specific imposts; and the fundamental principle of the "American system" was given up so far that, though we cannot speak of the tariff altogether in such terms as would please us, we may point to it as evincing practically an approach to sound legislation on one of the most vital concerns of the nation. Another bill, supplemental in its nature to this, for the warehousing of imports in public stores, and for limited periods, without payment of duties, until they were required for home consumption or re-exportation, was also passed. Both which Acts produced the greatest discontent in the manufacturing states; and particularly in Pennsylvania, where the iron-trade was largely affected by them.

Another recommendation of the Message which Congress adopted and acted upon, was that relating to the establishment of a Sub-Treasury. This addition to the Treasury department very nearly resembled that by which Van Buren signalled his presidency; but many of the objections to that scheme were obviated in this, which, in spite of the denunciations of Webster,—perhaps, because it was perceived that the credit of the country was affected by every change made in the management of its financial matters,—has lasted to the present day.

The annexation of Texas was consummated in the course of this session, by the admission of senators and representatives from the newly affiliated state, by Acts passed specially for the purpose. Daniel Webster indignantly noted the fact that, really, by the senators from Texas the Tariff Bill was carried!

It was now, we must also remark, that the "Wilmot Proviso" originated. As the session was drawing to a close, the possibility of peace with Mexico occurred, and an appropriation was made to facilitate matters; whereupon David Wilmot, a representative from Pennsylvania, Democrat though he was, moved the addition of this proviso to the bill authorising the employment of the 3,000,000 dollars allotted to that use—"That there shall be neither slavery nor involuntary servitude in any territory of the continent of America which shall hereafter be acquired by, or annexed to, the United States, by virtue of this appropriation, or in any other manner whatsoever, except for crimes whereof the party shall have been duly convicted; provided always, that any person [a dangerous word this, in such connection] escaping to such territory, from whom labour or service is lawfully claimed, in any one of the United States, such fugitive may be lawfully reclaimed, and conveyed out of the said territory to the person claiming his or her labour or service."

"This proviso," we are informed, "was adopted with little discussion, but

not without calling forth much feeling, by the House; nearly all the members from the free states supporting, whilst those from the slaveholding states opposed it. The bill thus amended was, on the last day of the session, sent to the Senate, and was promptly met by Mr. D. H. Lewis, of Alabama, with a motion to strike out the proviso. Mr. Davis, of Massachusetts, rose in opposition to this motion, and was speaking against it, when word was brought that the House had adjourned,—the hour of adjournment, noon, having been struck by the clock in the House, though not yet reached by the Senate's clock. The bill therefore failed for the session."

Near the close of the session, two bills were vetoed by the President: one, called the River and Harbour Bill, on the ground that some of the appropriations were unconstitutional, and that the money was wanted for the Mexican war; the other, a bill for indemnifying the sufferers from French spoliation before 1801 (which we confess we had hoped never to hear of again), because the subject "had not been sufficiently considered!" and the money was wanted for the war.

It was on April the 23rd, 1846, that the joint resolution, authorising the President, if he considered it discreet to do so, to give notice to Great Britain for terminating the joint occupation of Oregon, finally passed both Houses by large majorities. But a happier issue was soon found than this notice could have led to, although it was carried by the moderate party against the more violent declaimers upon the rights of America.

For an active correspondence had been maintained with the British government, through Richard Pakenham, the British minister at Washington, and through Louis M'Lane, the American minister at London; and at length, on the 10th of June, the Senate was called upon to discuss a proposal, in the form of a convention, presented to the Secretary of State by the Envoy Extraordinary and Minister Plenipotentiary to her Britannic Majesty, for the adjustment of the Oregon question; on the 12th, the Senate, by thirty-eight votes against twelve, advised the acceptance of the proposal; three days later the Convention, duly concluded and signed, was transmitted to the Senate for ratification; and on the 18th the ratification was carried by a vote of forty-one over fourteen.

By this convention the forty-ninth parallel of north latitude was adopted as the boundary between the territory of the United States and the British possessions, but Vancouver's Island was given up to Great Britain; the navigation of Fuca's Straits and of the Columbia River was declared free to both American and British navigators; and rights of actual possessors of land on both sides of the boundary line were to be respected by both parties. An attempt was made to attach an explanation to the article declaring the navigation of the Columbia free, by which the liberty to navigate its waters would expire with the existing licence of the Hudson's Bay Company, in May, 1859; but "it does not appear that any such understanding was placed on the records of the Senate."

We may as safely as we do gladly dismiss all explanations of General Cass, and Stephen A. Douglas, and others of the democratic party who had elected to live or die by the claim of "fifty-four—forty," and who did not expire with the ratification of the Oregon convention; and in the place of them present the









BRITISH COLUMBIA,  
VANCOUVER ISLAND,  
AND THE  
VALLEY OF THE SASKATCHEWAN.

English Miles  
0 50 100 200 300







following remarks addressed by Louis M'Lane to the New York Chamber of Commerce, in the month of September of this year, 1846, after his return from Great Britain :—

“ Having now effaced,” he said, “ upon honourable terms, the last cause that threatened the peace of two peoples of kindred origin, and associated by commercial relations more extensive and important than exist between any other two nations of the globe, may we not now hope to begin a new career of international intercourse, and, by the uninterrupted pursuit of commerce and the arts, extend and cement our relations? It ought to be considered as fortunate that these results have happened at a moment when, by the wisdom and courage of British statesmen, a most important step has been taken in the enlargement of commerce [Sir Robert Peel’s free trade measures], by which the trade of different nations must be vastly extended, and the motives of harmonious relations—indefinitely multiplied, as between the United States and Great Britain especially, through causes which ought naturally to associate the two peoples upon an honourable basis, and contribute to their mutual prosperity—may now have fair play, and our competitions in future be confined to a generous rivalry in all that can advance the happiness of the people of both countries, and of mankind at large.

“ I would do injustice to the occasion of it if I should omit to state it as my opinion that, in the country and among the people I have just left, these expectations begin to be generally entertained, and that the settlement of the Oregon question will soon come to be universally regarded as the knell of those inveterate jealousies and feuds which, it may be apprehended, have so long exerted a mischievous influence over the people, if not upon the councils, of both countries.”

During the year 1846, conventions with Saxony and Nassau for the mutual abolition of the *Droit d'Aubaine*, and taxes on emigration (which before long produced consequences in the United States little expected by those who promoted the treaties,—being in fact amongst the most active causes of the development of the “ Native American” into the “ Know-nothing” party), an additional article to the convention with France for the mutual surrender of criminals, and a commercial treaty with Hanover, were concluded and ratified ; which will show that, whilst faithful to the doctrines of Washington (and of Jefferson, so far forth as his *exoteric* creed,—for he had an *esoteric* doctrine with regard to connections with France and England) respecting foreign alliances, the government of the United States did not fail to extend its amicable relations with the powers of Europe, whenever opportunity was offered.

Congress, which rose on the 10th of August, 1846, after one of the longest sessions on record, assembled again for its second session on December the 7th, and received the President’s Message on the 8th. This document was necessarily almost entirely taken up by the war, upon which subject it was in turn apologetical, historical, and eulogistic. It further announced the receipts of the last fiscal year to be nearly 29,500,000 dollars, whilst the expenditure exceeded 28,000,000 by a very trifling sum ; and the balance in the Treasury to be above 9,000,000 dollars ; the total amount of the public debt it declared to be a little in excess of 24,250,000 dollars, of which nearly 6,500,000—and no more than that, although the nation had been engaged in an expensive war—had been

incurred by the present administration; but notice was given that a further loan of 23,000,000 dollars would be required for the prosecution of the war.

Although the new Tariff Act had not been in operation more than seven days, and therefore nothing practical could be said about it, custom permitted the President to insert in this Message a long *diatribe* on "Free Trade" in general, and to claim for the United States a position beside Great Britain, on the ground that they had "simultaneously abandoned the protective policy," although so much remained to be done by both governments, and especially by the American, ere either could be said to have abandoned protection as a "policy." And little more, excepting a recommendation to improve and complete the Sub-Treasury scheme, was contained in this Message, that demands notice here.

Most of the measures of this session—the short one before a new election—related to the war; and of them one alone (the "Three Million Bill," as it was called) needs to be spoken of, because there was appended to it the "Wilmot Proviso." The House passed this "proviso" again, but the Senate (in which the influence of the slave states is proportionately greater than in the House) rejected it; and the representatives, finding the other branch of the legislature resolutely determined not to allow it, assented to the passage of the bill without this amendment.

Of greater interest were two bills which failed to become laws. The first was proposed by the Secretary of the Treasury, and was intended to assist in supplying the "sinews of war," so that the resort to loans might be more sparing. It was nothing less than a scheme for laying an *ad valorem* duty of twenty-five per cent. upon tea and coffee! There was opposed to this tax not only the traditions of the Revolution, but the "Compromise Act" of 1832, which expressly exempted these articles from taxation. Much indignant oratory was called forth by this proposal, and more than one "rowdy scene" disgraced the halls of the legislature, when some member would, from his place in Congress, reply to the personal attack of a newspaper; but the opponents of the plan triumphed, and other means of increasing the revenue had to be devised.

Far more instructive is the record of another failure. Ireland—the unhappy, misgoverned, ungovernable Ireland—was at this very time smitten with famine and pestilence; and America right nobly testified her possession of that "natural affection" which poets tell us must always bind kindred in blood together. Two separate attempts were made to carry through Congress a bill for appropriating 500,000 dollars to the purchase of articles of food, and paying the cost of transporting them to Ireland, for gratuitous distribution there amongst the starving people. Very few of the members of either house objected to the purpose and design of these bills,—one did, it is true, move that the committee of Ways and Means should be instructed to report a bill for distributing 500,000 dollars' worth of fuel and flour amongst such *American* poor as might be found in a state of distress, but this *mauvaise plaisanterie* received little encouragement;—they failed, in part, because strong doubts were entertained respecting the competency of Congress, under the constitution, to make such an appropriation of the public money; and in part because the people themselves were determined to do all that was in their power for the relief of their suffering



kinsfolk on the eastern side of the Atlantic. There can be little doubt that gratitude for this timely and invaluable aid stimulated the emigration from Ireland to America into an "exodus," as much or more than any well-grounded sense of "Ireland's wrongs;" and this consideration ought to be regarded by those in the United States who have espoused the "Native American" party as some set-off against the charges they have been accustomed to bring against the "aliens."

As soon as the twenty-ninth Congress expired, and the members were dispersed to their homes, the task of electing a new House of Representatives commenced in earnest; for all the agitation and caucussing and canvassing which had been done was but preliminary to the real struggle. The issue showed that the measures of the administration had not retained for it the popularity with which it entered into office. The Mexican war had deprived it of the favour of some states; and others had been displeased at the repeal of the Protective Tariff; and so, when the first session of the thirtieth Congress commenced, it was plain that, though in the Senate democracy was still dominant, a majority of the other house was in opposition to the government.

The first demonstration of this change in the temper of the House was given on the very day of opening, the 6th of December, 1847, when Robert C. Winthrop, a Massachusetts Whig, was elected Speaker at the third ballot, by a majority of a hundred and ten votes against sixty-four given to Linn Boyd, the principal Democratic candidate, forty-one to other Democrats, and three to other Whigs. The other officers of the House who had now to be appointed were, of course, of the same political complexion. Most of the Message, which was as usual sent to the Houses on the day after they had organised themselves, bore upon the Mexican war, which was now virtually ended; and it was manifest that a very considerable accession of territory to the United States was contemplated, both for the purpose of disabling Mexico from ever taking any but a subordinate rank in America, and also to secure compensation for the cost of the hostilities which Mexico had undoubtedly been the first to commence, although the original provocation had come from the United States.

Very interesting diplomatic information was furnished by one paragraph, in which—after recommending the establishment of legal tribunals for the punishment of criminals in China, lest the impunity of citizens of the United States guilty of crime there should lead to any interruption of friendly relations with that important nation—mention was made of "treaties with the Sublime Porte, Tripoli, Tunis, Morocco, and Muscat," all awaiting the sanction of the Senate; and of the commencement of diplomatic intercourse with the Papal States, which required an appropriation to defray the expense to be incurred.

The receipts into the Treasury, during the year ending in June, 1847, had been above 26,300,000 dollars; but the expenditure failed by only some 250,000 dollars of reaching the great amount of 60,000,000 dollars. The entire public debt was now said to be nearly 46,000,000 dollars. "Should the war with Mexico be continued," it was also said, "until the 30th of June, 1849, it is estimated that a further loan of 20,250,000 dollars will be required for the fiscal year ending on that day, in case no duty be imposed on tea and coffee, and the public lands be not reduced and graduated in price, and no military contribution

shall be collected in Mexico." Of the new tariff, the Message averred that "its effects were visible in the great and almost unexampled prosperity which prevailed in every branch of business." The operation of the Independent Treasury was eulogised thus:—"While the fiscal operations of the government have been conducted with regularity and ease under this system, it has had salutary effect in checking and preventing an undue inflation of the paper currency issued by the banks which exist under the state charters. Requiring, as it does, all dues to the government to be paid in gold and silver, its effect is to restrain excessive issues of bank paper by the banks, disproportioned to the specie in their vaults, for the reason that they are at all times liable to be called on by the holders of their notes for their redemption, in order to obtain specie for the payment of duty and other public dues. The banks, therefore, must keep their business within prudent limits, and be always in a condition to meet such calls, or run the hazard of being compelled to suspend specie payments, and be thereby discredited."

And in addition to these subjects, the Mint, the Public Lands, the government of the Oregon territory, the Navy, the Steam-marine, and the Post Office, received notice in this Message, which concluded by urging attention to Washington's exhortation to preserve the Union, and avoid exalting local and topographical interests into political parties, by such considerations as we can imagine a President of democratic views more than half a century afterwards resorting to.

The legislative labours of this session were seriously interfered with by the preparations for the presidential election, in which the great parties were necessarily much more interested than in the making of laws, which a change in the politics of the administration might so soon render valueless. Our space will not allow us to give even an abstract of what was accomplished; but we may say that the "Wilmot Proviso" was again warmly debated, and that the discussion of the bill providing a territorial government for the Oregon territory furnished only too favourable an occasion for the ventilation of that question, which (so long as the "domestic institution" of the South exists) must always array the two great sections of the Union, in spite of all the warnings and counsels of Washington, under mutually hostile banners. When it was passing through the Senate, amongst other amendments, on the motion of Senator Douglas, the "Missouri Compromise" amendment was appended to it; but the House refused to concur in this addition to its bill, and the Senate, in consequence, receded from this amendment, by a vote of twenty-nine against twenty-five, when the House accepted the others.

Previously to this attempt to overthrow the "Wilmot Proviso" by a side-wind, and to get slavery admitted into the newly-acquired territory,—for, by the treaty of Guadalupe Hidalgo, California and New Mexico had become the property of the United States, and it was hotly debated whether or not this acquisition should be wholly given up, so far forth as its political importance was concerned, to the Southern party,—previously to this attempt, the Senate had, by a majority of thirty-three against twenty-two, passed a Compromise Bill, for the purpose of settling, if it might but be done, the question of the government of the new territory; but the House was so dissatisfied with it, that by a



majority of a hundred and twelve against ninety-seven, it voted that the bill should be laid upon the table; and a motion to reconsider it was lost by a still larger majority. There is but one other measure of this long session, for Congress did not adjourn till the 14th of August, 1848, which shall detain us now; and that not a successful one. The committee on commerce reported a bill making appropriations for some "internal improvements,"—in fact, for the preservation and repair of public works on certain harbours and rivers;—in the beginning of February, three days before the end of the session, it was carried by a majority of a hundred and eighteen over sixty-two,—which was nearly the majority of two-thirds required by the constitution to give a bill the force and efficacy of a law, "the President's objections to the contrary notwithstanding." It was sent to the Senate, referred to its committee on commerce, reported without amendment on the closing day, and dropped without regard to its importance. "Nothing more was heard of it," said a sympathising observer of its fate.

Earliest of all the great parties in the field, the National Democratic party summoned a convention at Baltimore in May; and from the 22nd to the 26th of that month, this extra-constitutional body earnestly considered the question of the fittest men to nominate for the presidency,—or, at least, the men whom the party would most certainly rally round, and support with all its numbers and influence. Andrew Stevenson of Virginia presided, and both divisions of the Democratic party of New York, the "hunkers" and the "barn-burners," sent delegates, who claimed to represent the democracy of the Empire State;—both were admitted, but, as this only neutralised the vote of that state, both declined to take their seats, and New York did not, in consequence, take part in the convention. On the fourth ballot, General Lewis Cass was selected as the candidate of the party for the principal office, and General William O. Butler, of Kentucky, was subsequently chosen as its candidate for the vice-presidency.

The Whig National Convention assembled in the following month at Philadelphia; but although its task was more difficult than that of its opponents, because it had a greater number of distinguished men to choose from, it occupied only the 7th and 8th of June, and at the third ballot, passing over Daniel Webster and Henry Clay, it took General Zachary Taylor, rather than his senior officer and compeer in renown, General Winfield Scott, as "the most available candidate" (according to the most prudent men) for the presidency, and Millard Fillmore for its nominee to the second office. And it was said, not in whispers, that this was the result determined on from the beginning, although three sham ballots had preceded that which settled the question.

Near the end of the same month, the members of the Democratic party who were dissatisfied with the nominations of the Baltimore Convention met at Utica, in New York, and on the 22nd and 26th chose, as their candidates, Martin Van Buren and Henry Dodge; but the latter after a week declined the dubious honour.

Out of the "Wilmot Proviso" agitation there had arisen a new party in the States, which called itself the "Free-soil party." The Abolitionists were naturally its chief strength; but it received considerable accessions from both Whigs and Democrats, who were unfavourable to the extension of the slave-

holders' interest in the South, and believed that the preservation of the Union required the equilibrium of the "balance of power" of the slave states and the free. It was, of course, almost exclusively Northern in its *personnel* and general politics. This new party held its convention (wherein sixteen states appeared by their delegates) at Buffalo, in New York, on August the 8th, and as it could not expect to carry a candidate of its own into the President's chair, it adopted the candidate of the Convention at Utica, Martin Van Buren, with its own president, Charles Francis Adams, of Massachusetts, for the vice-presidency.

Before Congress re-assembled, the presidential election took place; and the results, though not officially declared, were soon afterwards known to be the following. For General Taylor as President, and Millard Fillmore as Vice-President, the votes of Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Georgia, Florida, Louisiana, Tennessee, and Kentucky, a hundred and ninety-three in all, were given; and they were the victors. Generals Cass and Butler received the votes of Maine, New Hampshire, Virginia, South Carolina, Alabama, Mississippi, Texas, Arkansas, Ohio, Michigan, Indiana, Illinois, Missouri, Iowa, and Wisconsin, a hundred and twenty-seven in all; and they were defeated. The "Free-soilers" did not appear in this vote by states; but the popular vote shows their relative strength, and that of the other two parties, thus:—Taylor was supported by one million, three hundred and sixty-two thousand, and twenty-four votes; Cass by one million, two hundred and twenty-two thousand, four hundred and nineteen; and Van Buren by two hundred and ninety-one thousand, six hundred and seventy-eight; and above five thousand other votes were "scattered" and lost; so that, very probably, had the Baltimore Convention given general satisfaction to the Democratic party, its candidates would have been successful. The total vote at this election was very nearly exactly double that given at the presidential election of 1836.

Before we return to the affairs of the general legislature, we may mention two matters of the highest importance which belong to this period of United States' history. The first is the coast-survey, which, for a people addicted to commerce, and using the sea as a means of communication, not only with foreign lands, but also with the remote parts of their national territory, might have been expected as one of the earliest undertakings of the federal government. The first proposal for such a survey was made in 1806, but (to pass by the most unsatisfactory part of the story) not till 1832 was it steadily commenced. In 1843 the work was reorganised, and in 1848 sufficient progress had been made to show the inestimable value, not to America, nor to commerce and navigation only, of this great and truly national work.

The second is the discovery of gold in California, a more special notice of which will be given in another chapter, but which demands some notice here, on account of the extraordinary results, both in the United States and in Europe, and even in China, which followed the announcement that El Dorado, —the dream of the first adventurous explorers of the western world,—and that not in fable but in actual, solid fact,—had been found. To the Americans it seemed to be a preternatural attestation of the reality of their boast, that their nation, the youngest offspring of Time, was destined to be her noblest, fairest,



best. And it drew from every country under heaven, with unexampled rapidity, to the Pacific coast of the United States, such a numerous and extraordinary population as the sun had scarcely ever before looked upon; whilst all the monetary relations of men and peoples appeared to be on the eve of such prodigious perturbations, as might possibly shake down all the most substantial erections of toil and financial skill that then existed. What was the net effect of these Californian gold discoveries may be remarked upon subsequently; but here we may say, that little of what was anticipated came to pass; and that, though tried by the discovery of still more marvellous gold regions in Australia, and by the unsettlement and interruption of a great European war, the old foundations of commerce have not been seriously disturbed.

On December the 4th, 1848, the second and final session, under Polk's administration, of the thirtieth Congress, commenced. On the 5th, the President sent to the two houses his last and longest Message. This remarkable state-paper spoke of "advantageous treaties of commerce" concluded with New Grenada, Peru, the Two Sicilies, Belgium, Hanover, Oldenburg, and Mecklenburg-Schwerin. It praised Great Britain for "pursuing our example," and relaxing its restrictive system;—Great Britain all the while innocently enough considering that she had taken the lead in the experiment of Free Trade, and being often disposed to chide America for not imitating her. It lauded, with more than the accustomed warmth of retiring Presidents, the institutions of the country.

After recording the termination of the war with Mexico, it spoke of the military strength of the United States, and boasted of their possessing "virtually a standing army of two millions of armed citizen-soldiers." The navy, and the organisation of those branches of the executive which had been charged with the conduct of the war, were also warmly eulogised. Reviewing the territorial acquisitions which had been made during his administration, Polk declared that they amounted to more than half as much as the entire United States' territory at the time of his accession to the presidency. And, he added, it would be difficult to calculate the value of these immense additions to the area of the country.

He said this in part because he had to announce the discovery of the incalculably rich gold-mines of California; and in part because it afforded so prodigious a field for the expansion of the population of the States, and gave to the Union so commanding a position upon both the great oceans that extend to both the poles. And, with a full sense of the lustre which these events shed upon his own name, he said,—“The acquisition of California and New Mexico, the settlement of the Oregon boundary, and the annexation of Texas, extending to the Rio Grande, are results which combined are of greater consequence, and will add more to the strength and wealth of the nation, than any which have preceded them since the adoption of the constitution.”

Into the question of slavery the agitation of the “Wilmot Proviso” invited him to enter, and, without naming it, he pronounced against it, and in favour of a compromise which would have been wholly in favour of the South;—namely, the extension of the Missouri compromise line from the western border of Texas to the Pacific Ocean.

Under the head of finances, the Message stated that the last year's receipts had fallen little short of 35,500,000 dollars; whilst the expenditure had mounted up to nearly 43,000,000 dollars. But the receipts of the next year were estimated at above 57,000,000 dollars; and the total expenditures at nearly 3,000,000 less: and hopes were held out that the ordinary peace expenditure would not amount to so much as 29,000,000 dollars. After a panegyric on the new tariff, the public debt was mentioned,—and the amount was stated to be more than 65,750,000 dollars. And, with an essay on the "American system," and a defence of the veto-power intrusted to the executive, the words of President Polk were ended.

Brief as this session of Congress was,—for it extended over no more than three months,—and although it immediately preceded an election, there was much business transacted. But little way could be made with the organisation of the newly acquired territory, on account of the want of harmony between the two houses of the legislature. A decided majority of the Representatives was in favour of the "Wilmot Proviso;" and an equally decided majority of the Senate opposed to it; so that, had very prompt and vigorous action been required, either some new compromise must have been resorted to, or affairs must have come to a dead-lock.

So rapidly had California been peopled, by the operation of that "*auri sacra fames*" which is only *not universal* in the human breast, that Senator Douglas proposed, and even brought in a bill for the purpose, to admit it as a state into the Union, without subjecting it to the customary preliminary "*Lehrjahre*" and "*Wanderjahre*" of the different grades of territorial government. But though both Louisiana and Texas were cited as precedents, the judiciary committee reported against the scheme; whereupon the undaunted senator drew a new bill, in accordance with the intimation of the committee, and by it proposed to establish both New Mexico and California as new states at once, and to leave the people of them to determine whether or not to allow slavery there for themselves; but this plan met with no more favour than the former, or than three other bills, all devised for the solution of the difficulty: it was rejected by a very strong vote at the very outset.

It is hard to say why the Senate should have been so persevering in its resistance of the "Wilmot Proviso," unless it were that, being composed of the representatives of states' governments, it did not properly rate the sovereignty of the citizens composing the states. And yet they might have been instructed by such an incident as the following:—On December the 13th, Senator Benton, whose pro-slavery principles none could question, presented a petition from the people of New Mexico, praying for a territorial government, and against the dismemberment of their territory in favour of Texas,—and, wonderful to tell, against the introduction of domestic slavery! Still more remarkable, the motion to print this petition was carried by thirty-three votes against fourteen, and Benton was one of the majority!

Finding it quite vain to expect the passage of a bill for the purpose of organising the new territories, an effort was made in the Senate, by means of the unregulated liberty of appending any measure in the form of an amendment to any other measure whatever, to carry a scheme for extending the



revenue laws over California and New Mexico, and the constitution of the United States, with all general laws applicable to the case; which having been adopted by a small majority, the House further amended the bill, saddled with this strange burden, by adding to it the favourite "Wilmot Proviso." Fresh debate arose upon this phasis of the affair, and the original measure—a civil and diplomatic appropriation bill—was in imminent hazard of not being carried at all, to the jeopardy of the public service. But at length, at five o'clock on Sunday morning, March the 4th, 1849,—the Senate having been preserved from complete disorganisation by the tact and influence of Webster,—both houses withdrew their amendments, and the bill passed; the Senate at the same time passing a bill for extending the revenue laws to California, which had already been through the House of Representatives.

Connected with the real point at issue in this struggle, we may remark the re-appearance of the question of the abolition of slavery in the federal district, over which Congress held absolute legislative sway; which, when introduced this session by John G. Palfrey, of Massachusetts, was rejected by no greater a majority than eighty-one against sixty-nine in favour of it; showing a clear advance in public opinion, and predicting a satisfactory result before long.

Among matters of considerable moment discussed now were schemes for the construction of railroad communication between the eastern and the western oceans; rendered vitally important by the disclosure of El Dorado on the shores of the Pacific. Many plans were spoken of, but at this time the only one that was seriously entertained was the construction of a railroad across the Isthmus of Panama, so as to reduce the distance of California from the Atlantic States from some seventeen thousand miles (which was the length of the Cape Horn line) to less than six thousand miles. The overland route, as the next chapter will show, though the distance was so much less, was, in the existing state of communication, the least practicable of the three.

As soon as the Southern members perceived the pertinacity of the House on the "Wilmot Proviso," and the growing minority in favour of making the soil of Columbia district free, they felt that their "domestic institution" was in danger, and summoned a convention; the first meeting of which was held in the Senate chamber itself, on the 23rd of December, sixty-eight members of the Congress being present. A series of resolutions, based on the Virginia resolutions of '98, were introduced by Thomas H. Bailey, and referred to a committee; and on the 15th of January, John C. Calhoun, who was chairman of this committee, reported an address of the Southern delegates to their constituents, which, after reciting the constitutional provisions regarding slavery, and the alleged violations of the constitutional rights of the slave states under the instrument of government by the free states, called upon the South to present a united and immovable front, and to be ready "to defend their rights,"—which, alas! were, every one of them, the wrongs of the African race.

Nearly ninety members attended this second meeting; and at a third meeting, on January the 22nd, a smaller number being present, Calhoun's address was adopted, in opposition to one "to the people of the United States," submitted as a substitute for it, by John M. Berrien, of Georgia, and was signed

by forty-eight members—only two of them being Whigs. And the Convention adjourned *sine die*.

And now there remain to be recorded only the conclusion of a convention or treaty with Great Britain for the improvement of the postal communication between the territories of the contracting parties, and the fact that slight changes were made in the heads of departments in this and the preceding years, not, however, in consequence of any division in the camp, but because of the necessity of employing practised and reliable men on certain embassies, which necessitated the introduction of other distinguished or prominent adherents of the Democratic party into the vacated posts. When the story of the Mexican war has been related, and some general survey of the progress of the states severally been made, we shall be in a better position to estimate the character and influence of Polk's administration on the history of the United States.

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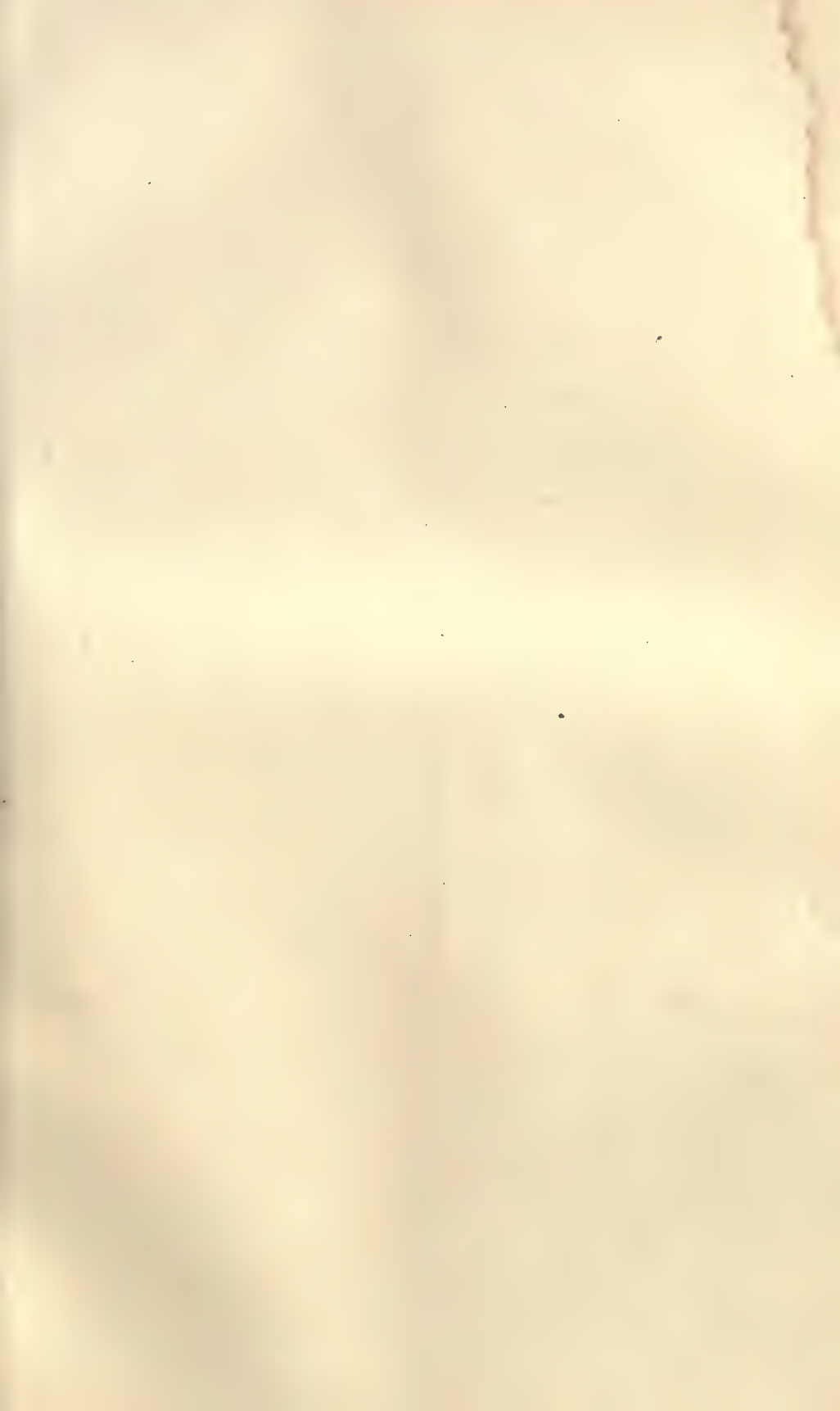
## CHAPTER II.

THE MEXICAN WAR.—MEXICO.—TEXAS.—HOSTILITIES COMMENCED ON THE RIO GRANDE.—BATTLES OF PALO ALTO AND RESACA DE LA PALMA.—CONVENTION OF MONTEREY.—EXPEDITIONS AGAINST CALIFORNIA AND NEW MEXICO.—EXPEDITION AGAINST VERA CRUZ.—BATTLES OF BUENA VISTA, CERRO GORDO, CONTRERAS, CHERUBUSCO, AND MOLINO DEL REY.—MEXICO TAKEN.—TERMINATION OF HOSTILITIES.—TREATY OF GUADALOUPE HIDALGO.

MEXICO has been an unhappy country all the while that her fortunes have been within the view of history. Possessed of a wide extent of productive soil; magnificently endowed as to mineral wealth; rich in its indigenous vegetation; having a diversified, but not unpropitious, climate; well supplied with internal water-communications; and not deficient in serviceable harbours along its lengthened line of sea-coast; it might have supported a numerous, free, intelligent, and prosperous people. Yet, from the time that the fierce *conquistadores* from the Old World made themselves masters of "the halls of Montezuma," it has been such a scene of bondage, degradation, intestine contest and treachery, of wasted blood and treasure, of means and opportunities neglected and perverted, that we wonder to find its name still inscribed in the catalogue of nations.

At the time when Christopher Columbus first landed on the shores of the western world, and, claiming the newly-found lands in the name of the Most Catholic King, imposed upon them the double yoke of a despotic monarch and a cruel church,—Mexico was under the rule of a sovereign of the Aztec race, which, about two hundred years before, had established itself in Tenochtitlan, having at a more remote period immigrated from Aztlan, on the north of the Gulf of California. Columbus himself never touched the continent of North America, nor was it till thirteen years after he had, on his last voyage, approached

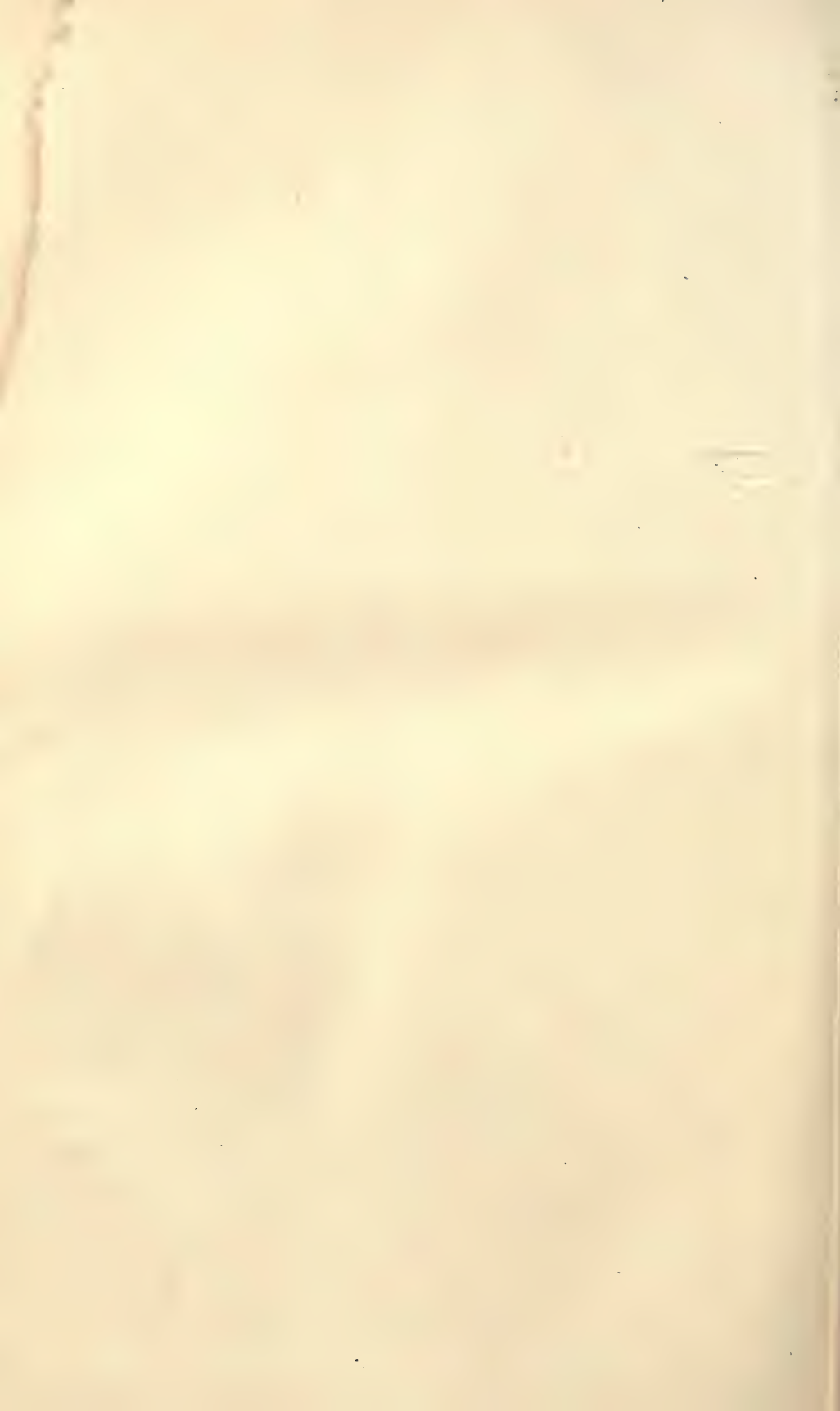








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it, at the peninsula of Yucatan, that the coast of Mexico was reached and explored. Two years afterwards, Hernan Cortes disembarked at the spot where Vera Cruz stands; the Aztec monarchy, with its strange forms of civilisation, and its bloody rites of religion, was soon overturned; and Mexico became a province of the Spanish Empire.

Readers of Prescott's History know by what a process this conquest was effected, and with what narrow-minded jealousy the ruler of all the Spains governed the country which had enabled him to take a foremost place amongst the sovereigns of Europe. When the hostility of Napoleon Bonaparte completed the ruin of the royal family of Spain, which his friendship had begun, a new class of troubles showed themselves in Mexico. The rivalries and enmity which had been promoted amongst the different races, all of whom had been kept in total ignorance of the habits of self-government, without which all government is impossible, manifested themselves in the most destructive manner. Two Popish priests—Miguel Hidalgo y Castilla and Jose Maria Morelos—distinguished themselves as leaders of popular parties and of armed insurrectionists. In 1813 the independence of Mexico was declared by a body which assumed the name of the National Assembly. Two years afterwards, Morelos was captured and shot, and the viceroy succeeded so completely in restoring the authority of the Spanish crown, that Mina, the partisan leader of Spain, not only was unable, in 1817, to accomplish anything in furtherance of the revolt, but lost his life in the attempt.

But three years later the adherents of the Spanish cause were themselves divided into two parties—Royalists and Constitutionalists—and the opportunity was afforded to Augustine de Iturbide to issue, in February, 1821, the well-known "Plan of Iguala;" and in the month of May, in the year following, to have himself proclaimed as Augustine I., Emperor of Mexico. Matters went so ill with him, that in less than a year he abdicated, and withdrew to Europe, and Mexico was declared a Federal Republic, the old departments being turned into states, with a constitution that was copied from that of the United States.

Into the dreary history of *pronunciamentos*, with their accompanying civil contests, proscriptions, and flights, which now commenced, it is not our intention now to enter. It will be sufficient to say, that at the time we have reached in our general history, Santa Anna, who had been the most successful of the combatants for power, was a refugee in Cuba, having never recovered from his defeat and capture at San Jacinto; and Herrera was President, but grasped the reins of power with an uncertain hand, being suspected of a disposition to compromise the Texas question with the United States, and having as an antagonist General Paredes, who was popular with the nation and the army alike.

Of Texas and its affairs we have spoken from time to time in our former Books; but a summary of its history till the annexation will, in conjunction with this sketch of Mexico, enable us better to appreciate the justice and necessity of the war, the story of which is now to be related. At the time that Moses Austin, the first American colonist of Texas, obtained permission to settle in the territory of Spain, he and his followers were understood to be Roman

Catholics, who could not freely practise their religion in the United States; and we leave to the imagination of our readers the perplexity of the Mexican government, when they discovered that, through the opening thus made in the jealously-guarded fence of the province, a numerous and hardy horde was entering, whose habits had been formed on the very outermost verge of the civilised world; who had been accustomed to be a law unto themselves, but especially upon the principle "*sic volo, sic jubeo*," and who generally enforced obedience to their will by a summary appeal to their unerring rifles.

How far there was an understanding between the government of the United States and the immigrants in Texas, respecting the ultimate design of the occupation of that country by American citizens, we have no means of knowing: nor is it, in fact, needful to suppose any such collusion; for every settler there had left kinsmen and associates behind, with whom he was in the closest relations, and they all were possessed by the idea, originated by Jefferson, and carefully maintained and handed down amongst the traditions and beliefs of the pure Democrats, that the boundary of Louisiana to the west was, not where the Treaty of 1819 placed it, but at that one of the rivers flowing into the Gulf of Mexico (say the Rio Grande del Norte), which would give the United States as wide a claim as they could possibly hope to realise.

None, however, can doubt the existence of collusion as soon as the settlers had definitively revolted against Mexico. We told how General Gaines received orders to enter the territory of Texas, under pretext of observing a treaty with Mexico, for mutual aid against incursions of Indians (the occasion being found in some petty outrage, real or pretended), but in fact to afford countenance to the Texians,—which was most effectually done. And we intimated the allowance of filibustering expeditions, in spite of all representations on the part of Mexico. These hostile preparations were made in the most open manner; and the newspapers themselves were employed to give greater publicity to them. The victors at San Jacinto, including General Houston himself, were, for the most part, not Texians, but filibusters.

And this will not surprise those of our readers who observed with us the remarkable proceedings of General Jackson, when he was in command in the South; whilst that officer's conduct in relation to Arbuthnot and Ambrister, whom he put to death (inventing "an established principle of the law of nations" to vindicate the sentence); the universal outcry against a "British" officer, whom they named *Colonel Nichols*, who was alleged to have assisted the Indians and fugitive slaves on the Apalachicola, to the great grief of their Georgian neighbours; and, above all, the trial and sentence of Aaron Burr, who had filled the exalted part of Vice-President of the United States, having lost that of President only by a *ruse*,—whilst these instances will sufficiently show, that not in ignorance of the ethics of the question were such proceedings in relation to a friendly (if not an allied) state, or, at the least, to a state not at war with the Union, permitted to pass unrebuked. We cannot doubt that the weakness of Mexico was the cause, on its side, of the adoption of this line of policy towards it; just as, on the side of the United States, it was a manifestation of that appetite for extension of territory, which Jefferson's acquisition of Louisiana first gave activity to, but which had been expressed



before that by longings for Florida, and Cuba, and New Orleans, and the command of the Gulf of Mexico.

Our limits do not allow us to quote the numberless passages from contemporary authorities, speeches, journals, &c., which show that the moving impulse in these efforts to annex (*re-annex*, some said, disclosing their consciousness of the immorality of the deed by their anxiety to secure for it a moral designation) Texas, was the necessity of securing some fresh area of slave-soil (they called it extending the "area of freedom"), if the slaveholders were not to be utterly ruined by the unprofitable nature of the investment of their capital, and if the slaveholding interests were to maintain their supremacy in Congress. That such was the fact we have already said, and we recall it here, that our survey of the Mexican war may be complete.

For a detailed account of the movements by which the annexation of Texas was accomplished, we must refer to the foregoing pages of our history, wherein they who are so minded may discern, not obscurely at times, through the outside facts, the intrigues and schemes by which they were shaped and directed. The latest of all will serve as a specimen of the whole series. Finding himself falling in public esteem continually, President Tyler resolved to make a grand stroke, and reinstate himself so firmly thereby as to secure his re-election to the presidency. He therefore pushed on the Texas affair, and had the question of annexation proposed in the Senate of the United States. In that body the representatives of Northern interests were too strong to suffer a treaty of annexation to pass; the constitution was therefore violated by the employment of forms, devised under it for other objects; and a joint resolution of the two Houses—which a bare majority could carry, and which, as a *salvo* to the consciences of the dissidents, invested the President with the *discretionary* power of annexing the coveted territory by resolution or by treaty, well knowing that the former method would be employed—rendered the provisions of the constitution nugatory, and usurped the treaty-ratifying power of the Senate.

Polk had been chosen to succeed Tyler by virtue of his "pronouncing" for "the re-annexation of Texas and the re-occupation of Oregon," and many of his adherents regarded Tyler's haste in pressing forward the Texas affair as an infringement of their leader's honour. Others, better informed respecting Polk's designs, willingly gave to Tyler the barren honour of having carried the measure for annexing Texas in the last hours of his administration; and they afterwards, in the same spirit, imitated their chief in receding from their claim of "fifty-four—forty" on the Oregon question. There was a grander prize than Oregon or Texas, or both together, in view, and to the attainment of that the whole energy of the new administration was bent. This prize was nothing less than California and New Mexico; or the prolongation of the northern line of Texas to the Pacific, by which a tract of above six hundred and fifty thousand square miles would be added to the territories of the Union,—not far short of equalling the area of the entire Union as it was constituted by the Treaty of Versailles in 1783!

But we shall be attributing to President Polk greater praise (or greater blame, as the other parties may deem it) than he is entitled to, if we leave our readers to suppose that by his own strength of will alone, and having no other

"base of operations" than the menace of regarding the annexation of Texas as a *casus belli*, he was enabled to plunge the country into hostilities with Mexico. Presidents of the United States are subject to the same influences that constrain the executive officers of other states to follow what may be called the *national* policy; to which not even the Autocrat of all the Russias is superior.

When Mexico first rebelled against Spain, who so forward as the leaders of parties in the United States to encourage it? For was it not a consequence (late, truly, yet a consequence) of their own assertion and realisation of independence? And could it fail to weaken European power in America? And had not Spain opposed their own struggle for liberty, and been slow to recognise them as victors? But when Mexico, having achieved its independence, appeared in the character of sovereign of that tract of country on the southern sea-board which they had always coveted, the aspect and relations of the acolyte of freedom towards them could not but experience a very sensible alteration. And if we were to attribute to the abolition of slavery in Mexico (that honestly accepted corollary to the establishment of political independence there) an unfavourable effect upon the regards of the South towards it, who could convict us of error?

To go back no further than the administration of Jackson, in his Messages we can distinctly trace the uprise of a feeling of unfriendliness with respect of Mexico. And under his direction was began a series of "reclamations," of the kind that can end only in war, or in subjugation without war. "From the first existence of the Mexican Republic, outrages upon the persons and property of American citizens were frequently committed by the Mexican authorities, and redress either positively refused, or delayed until the delay amounted to a refusal." Thus does one historian of the war sum up this part of the subject, employing the official language which had been adopted on account of its two-fold effect—the annoyance of Mexico, and the irritation of America against it. Although honoured by the precedent of the Declaration of Independence, it would be a real advance in civilisation if governments would carefully abstain from vague and declamatory language, and not attempt to give undue colour and importance to facts or allegations by using these "great and swelling words of vanity." We *are* beginning to regard as *suspect* governments those which attempt to push forward their designs under cover of such phrases as these. The reasonableness of these remarks will soon be apparent.

One fact, which we did but allude to before, will exactly mark for us the stage already reached, when Polk took the reins of the government in hand; and it will satisfactorily show the reason for his ability to commence warlike operations without the least delay. In December, 1841, Commodore Jones was despatched with a squadron into the Pacific, and was especially instructed to keep one or more vessels off the coast, and within the Gulf of California (then a province of Mexico), and to direct the officers of them to examine and lay down on their maps the position, &c., of any bays and harbours they might visit. It was at the very time when Tyler's administration had pledged itself, beyond power of receding, to secure Texas for the extension and confirmation of the failing Southern interests; and when the invention and circulation of the most ridiculous and improbable *canards*, for the purpose of arousing public



feeling to the requisite pitch, assumed the magnitude and moment of official duty.

What secret instructions were given to Jones cannot be known; but we know that when he was at Callao, in the autumn of 1842, he happened (so it was said) to see in an American newspaper a statement that Great Britain had purchased California of Mexico; wherefore, attributing to the Pacific fleet of Britain the design of seizing the alleged purchase, he at once made all sail for that region, entered the harbour of Monterey, hoisted the American flag, and took possession of the place and the country in the name of the United States,—at the same time distributing printed proclamations in the Spanish language (his possession of which has never been very satisfactorily accounted for), explaining the design of his proceedings, and inviting the active assent of the inhabitants! Jones was not long in discovering that his zeal had passed beyond the verge of discretion; but America was strong and Mexico was weak, and the great Daniel Webster (as we related before) was Secretary of State; and so this unparalleled act was slurred over, as not being intended as an “indignity to the government of Mexico, or anything unlawful to her citizens;” and the President went on, as before, assuring Congress and the universe that Mexico had offered endless outrages to the flag and the citizens of the United States, and had absolutely refused both redress and indemnity.

Two other points claim notice here. When Texas declared itself independent, it naturally enough announced what its boundaries were, and equally naturally, since there was nothing whatever except its own moderation to determine what was the line between it and Mexico, it pushed its limit on that side as far westward as it *knew* the United States wished; that is to say, to the Rio Grande. And the United States—well knowing that the tract between the Nueces and the boundary they claimed never had been included in the territory of Texas, and was actually, as it always had been, occupied and governed in allegiance to Mexico, and that the Texians’ claim to that tract was no better than an insolent *contresens*—annexed Texas, expressly leaving its limits on the west undetermined, as if in right or reason the claim to the Rio Grande could be entertained. Had Mexico been *willingly* dismembered by the “re-annexation” of Texas, who does not perceive herein a certain cause of quarrel?

Mexico, however, was not willing to be dismembered; and this is the second point to be noticed here. Jefferson had bought Louisiana of Bonaparte; Florida, which Spain, repeatedly besought, as often refused to sell, had been acquired by the combined pressure of claims for “indemnity on account of spoliation,” and authorised filibusterism,—Spain reluctantly consenting to “cede” the province to the United States, which was already in possession, in consideration of the government’s liquidating those same claims. The same tactics were resorted to in the instance of Texas, colonisation, with ulterior objects in view, being added to filibusterism and offers to buy. As early as 1827, under the administration of John Quincy Adams, the American minister was instructed to offer Mexico a price for its territory to the Rio Grande; a much higher offer was made on the accession of Jackson; and the next ambassador pressed not only for Texas but for the sale of the whole of Mexico north of the Rio Grande and the thirty-seventh parallel! New Spain showed

the same unwillingness as Old Spain to part with its territory by bargain and sale. But the United States' government appears to have considered this offer to purchase as constituting a valid claim to the territory in question, which it was then and therefore justified in acquiring by any means whatever; the right of Mexico to decline the offer being entirely ignored! We have lived to see Cuba claimed on precisely the same ground, and the acquisition of it attempted simultaneously by filibusterism and negotiation;—these views have, therefore, a living and practical interest for all citizens of the United States.

Preparations for the annexation of California had long been making, in the same manner as had happened with Texas. American settlers, actuated by the same marvellous instinct as led so many into Texas, and before that into Florida, had flocked thither in numbers sufficient to give promise of the repetition of the process that had been so successful on the Gulf of Mexico. And lest they should, on account of their remoteness, fail to act with such promptitude as the occasion should demand, in May, 1845, when Polk had been in office only two months, Captain (soon afterward Colonel) Fremont, with a retinue of sixty-two men, was despatched beyond the Rocky Mountains, on a *scientific* exploring expedition. And, soon after this, instructions were sent to Commodore Sloat, who commanded a squadron of five vessels in the Pacific, the effect of which was to keep him hovering off the coast of California, exactly as if he expected that his force might be wanted there,—although it was a part of the Republic of Mexico.

We spoke of vague declamation in the President's Messages, so early as 1826, about "spoliations and outrages" committed on the persons and the property of citizens of the United States by Mexico, for which redress was, in fact, refused; of these we must now speak. At that time there was forwarded to the Mexican government through the American ambassador, Powhattan Ellis, a list of fifteen (no more) cases, accompanied by this most remarkable admission,—that the government "was not in possession of proof of all the circumstances of the wrong done" in these cases.

There was not one of them in which the Mexican government was directly implicated, nor one for which the usage of nations had not determined an immediate, equitable, and certain mode of remedy, either in the national courts, or in the appointment of commissioners. And the elevation of such matters to diplomatic importance, by the threat of appeal to the *ratio ultima*, except in the notorious instance of the demand of indemnity for some Don Pacifico being extorted from Greece, by the blockade of the Piræus by the Mediterranean fleet of Great Britain (which most probably was an imitation of this attempt to coerce Mexico), was a new thing in the modern history of the intercourse of nations.

Nevertheless, the Mexican government took the cases into consideration, promised indemnity in all cases where it was due, and gave sensible and dignified answers to every charge, including three more, which, by way of proving the existence of "accumulated wrongs," the ambassador had appended to the catalogue sent by his government. And the rejoinder made by Ellis to this exceedingly temperate and conciliatory reply, was the demand of his passports, and the menace of immediate war. And General Jackson allowed this to be



done, although he admitted in a letter to the governor of Tennessee that offences of such a character as to involve the right of appeal to arms "did not seem to have been committed by Mexico!"

This was in 1836-7. Not discouraged by this, however, nor manifesting resentment, Mexico proposed to settle these claims by arbitration; and after many delays and proceedings, which would require more space than we can spare even to characterise them, in 1842 the arbitrators had gone over every claim presented to them, and this was the result. Compensation was claimed for damages assessed by the alleged sufferers at nearly 12,000,000 dollars. But, although there was abundance of time, and every facility given, above 3,250,000 dollars of these claims were never submitted to examination. About 1,000,000 dollars' value was referred to the umpire, and not settled by him, because the commission was dissolved before he had considered them; above 5,500,000 dollars were disallowed by the commissioners or the umpire; and of the whole enormous amount that had been alleged at first, only a little more than 2,000,000 dollars were, in the end, allowed. That is to say, about three-quarters of the amount originally claimed was absolutely rejected as not due. And yet the United States' government continued its vague declamations respecting "accumulated wrongs," "spoliations," "outrages," &c.

Out of the arrangements made for the liquidation of this debt—which, though so greatly reduced, was more than Mexico, with her disturbed finances and failing credit, could pay—new means of irritating that country arose. There were also *counter claims*, which were not taken into consideration, and which would have reduced the amount left unpaid. But it is impossible within our limits to afford anything more than hints of the means by which, regardless of even the appearance of being in the right, the successive governments of the United States, both Democratic and Whig, continued to press upon Mexico, for the purpose of compelling the consent to dismember its territory for the aggrandisement of a neighbour already of overpowering strength; and, we must add, ultimately for the promotion and extension of *that interest* of that neighbouring nation which true aspirants for freedom would last of all desire, even indirectly, to serve.

General Almonte, the Mexican minister at Washington, as we related in the last chapter, no sooner heard that Texas was virtually annexed to the United States, than, on the 6th of March, only two days after Polk's inauguration, he demanded his passports. And, in the beginning of the following month, the Mexican government refused to hold any further diplomatic intercourse with the American ambassador, on the ground that the annexation of Texas was an act of war against Mexico.

Polk's first plan of action seems to have been to despatch General Zachary Taylor, with the "army of occupation," as it was called, to the western frontier of Texas (not to the Rio Grande, however, yet); and thus, having secured the safety of that acquisition, to attempt by negotiation—under the stimulus of the upshot of Fremont's "scientific" research, and Commodore Sloat's squadron, with the home squadron that lay off Vera Cruz—the purchase of California, with, perhaps, New Mexico also. And for this purpose it was necessary to restore diplomatic intercourse between the two governments, which had been broken

off entirely since the spring. By means of the American consul at Mexico, or at his suggestion, it was ascertained that the Mexican government was not unwilling to receive a commissioner invested with full powers to settle "the present dispute," evidently meaning the Texas affair; whereas Polk had offered to send "an envoy, intrusted with full powers to adjust all questions in dispute between the two governments." And with the utmost expedition he despatched John Slidell, as "envoy extraordinary and minister plenipotentiary," not even waiting for the confirmation of his appointment by the Senate.

In the difficult position of the Mexican government at this time,—for, as we stated above, Herrera was tottering in the presidency, the people mistrusting him on account of his strong desire to avert war, and the army preferring or corrupted by Paredes,—the appearance of Slidell at Vera Cruz (whence the squadron was withdrawn) a month before he was expected, seriously embarrassed the enfeebled administration. Nor was this the only difficulty, for Slidell's credentials presented him in a very different character from that in which the Mexican government had declared that they would receive an ambassador from the United States. And to add to their trouble, the envoy conducted himself with the most discourteous impatience, although, as he informed Polk in one despatch, the Mexican government was believed to be "really desirous of entering frankly upon a negotiation which would terminate all their difficulties with the United States."

The tottering administration of Herrera, thus rudely assaulted, fell before the long-feared *pronunciamento* of Paredes, who, at the beginning of the new year, 1846, entered Mexico, nominally as President, but actually as military dictator, and immediately organised a government to carry on affairs according to his scheme of politics and external relations. It had been already decided by the former cabinet (for Slidell refused to wait the decision of the Mexican Congress, which would assemble in January) that he could be received only as a commissioner to treat of the questions relating to Texas alone, and that when that affair was arranged the ordinary diplomatic intercourse could be renewed. And the hasty envoy had declared in reply that "the annals of no civilised nation presented, in so short a time, so many wanton attacks upon the rights of person and property as had been endured by the citizens of the United States from the Mexican authorities,"—an averment which convicts him of scanty acquaintance with the annals of civilised nations, or of employing the language of the mass-meeting in the service of diplomacy. The new government did not show any greater willingness to admit him in the character his credentials gave him, than in the old one; yet he did not at once leave the country, although he had been so peremptory respecting an immediate reception.

For, in fact, as soon as Herrera's government was overturned (as says Ripley), but, more truly, before that fact was known at Washington, the order was sent to General Taylor, who had remained at Corpus Christi (the last post on the real western boundary of Texas, better known as Kinney's Ranch, a station for smuggling slaves and other contraband articles of traffic into Mexico), at once to march to the Rio Grande; and the Gulf of Mexico squadron was increased, it being hoped that under the pressure of such an invasion the purchase of the coveted territories might yet be negotiated; Slidell having



with him a new batch of claims, amounting, with the arrears of the formerly allowed claims, to some 6,000,000 dollars; and being authorised to offer the Mexican government the liquidation of these claims (though not in full) and 25,000,000 dollars for California and New Mexico, or 5,000,000 dollars for the latter. And to give full effect to this double attack upon the integrity of the country, he remained in Mexico till the end of March; when, receiving from the new minister of foreign relations a similar reply to that he had received from Herrera's cabinet, accompanied with a counter statement of wrongs and injustices alleged to have been committed by the United States against Mexico, together with information of the invasion of Mexico by General Taylor, which was a *casus belli*, Slidell demanded his passports and departed. But it must be well observed, *Slidell was actually neither received nor rejected*; Mexico having consented to receive a commissioner to treat of the Texas question, and abiding by that consent, whilst the United States despatched a plenipotentiary to buy California and New Mexico, which Mexico had never undertaken so much as to consider. The blame of the rupture at this point cannot rest with Mexico.

General Taylor was commanded to march to the Rio Grande, on January the 13th, 1846; but not till the 8th of March did he set out. At the Colorado a Mexican officer with a handful of men met him, and announced that his further advance would be regarded as a declaration of war; but no resistance was offered, and the army advanced upon Point Isabel, or Brazos St. Iago, which might serve as a depot and base of operations, and reached it on the 25th. The authorities set fire to the place as he approached; and Taylor, who had been ordered to leave it to Mexico to strike the first blow (for, claiming the Rio Grande as the limit of Texas, Polk affected to consider this advance no *invasion*), and who was not able to interpret the presence of armed Mexicans in a country where neither American nor Texian was met with, except in his army, as an act of hostility,—was disposed to consider this conflagration one, and hoped now to be released from his obligation to continue on the defensive. On the 28th he arrived at the Rio Grande, opposite Matamoras, where he planted the American flag, and entrenched his camp. The Mexicans on their side of the river erected batteries, as Taylor did on his, and every preparation was made for a commencement of actual warfare.

The force under Taylor's command amounted to no more than three thousand five hundred men, and of these four hundred and fifty were left at Point Isabel, so that he had not above three thousand with him at the Rio Grande. These were about half of the regular army; and it appears evident that the President could scarcely have expected war, by the fact of his sending so small an army against a country like Mexico. Unless he anticipated the speedy accomplishment of the object of Slidell's mission, by this demonstration against the northern frontier of Mexico, which would of course be regarded as the advanced division alone, or was credibly informed that the Mexican forces disposable for the resistance of an invasion were so insignificant that Taylor's three thousand would largely outnumber them, we cannot acquit Polk of extreme rashness in commencing the war,—which he did, on his own authority and responsibility, in opposition to the provisions of the constitution, when he ordered the march

upon the Rio Grande,—even though he did instruct Taylor to make requisitions on Texas and the next adjoining states for men and materials, in case of necessity. And that the President's designs and expectations were of this complexion is manifest, both from the intemperance of his War-Message (of which we shall soon speak), and from the facts, that in the month of July he renewed his overtures to the Mexican government, and that he attached a commissioner to the army of invasion, to prevent the least delay in treating, if the opposition of the Mexicans should cease. There were those, indeed, who looked upon those three thousand as simply sacrificed; and others who did not scruple to charge the President with having done so to rouse the passions of the United States to the highest pitch against Mexico, knowing that the blame could easily be averted from himself, because Taylor was a Whig! But this is incredible.

Most exaggerated reports at first were circulated respecting the numbers of the Mexican army stationed at Matamoras and in its vicinity, and afterwards they were as greatly underrated; but it appears that there were not above three thousand in the town, under the command of General Mejia, when Taylor sat down before it. But when he had been there a fortnight the command was intrusted to General Ampudia (whom we saw at Mier, capturing after fierce fight that extraordinary band of filibusters who had a Xenophon amongst them), who joined with about two thousand two hundred men. And, as if to demonstrate the hopeless feebleness of the government and the state which all the arts, diplomatic and strategic, of the United States were now to be exerted against, two or three days after he had assumed the command he was superseded by General Arista, who reached Matamoras with further reinforcements on the 25th of April; but the first bloodshed in the war had occurred on the day before.

Whilst Taylor was engaged in fortifying his position on the left bank of the Rio Grande, and waiting for reinforcements, many desertions from the army took place—a circumstance arising mainly from the composition of the regular troops of the United States, and to which we must refer in another place; and two of his dragoons “had been seized and carried across the river by the Mexicans” on the first arrival of the army opposite Matamoras, but were afterwards liberated. He had been in frequent communication with the enemy too,—the Mexicans trying to induce him to enter into diplomatic correspondence, whilst he steadily adhered to his military character. And he had caused the mouth of the Rio Grande to be blockaded by the vessels which accompanied his transports to Corpus Christi, to the great inconvenience of the citizens and the garrison of Matamoras.

It had at first been announced that the appearance of any Mexicans under arms, on the left bank of the Rio Grande, would be regarded as an invasion of the American territory! But it was impossible to maintain that position, because all along the left bank not only were there various settlements and ranchos, all the inhabitants of which were Mexicans, but the local magistracies in subordination to three “departments” of Mexico—Tamaulipas, Coahuila, and Chihuahua (as the United States' own maps showed), were established there likewise. It was Taylor's object, in conformity with his instructions, to make the Mexicans strike the first blow, as we said; and it was with this view



that he blockaded the Rio Grande. Intent upon this, he likewise ordered small companies of his men to scour the country round, expecting, not without good reason, on account of the temper and feeling of the army, that thus some collision would occur, and he should be released from his inaction.

On the 10th of April, the assistant quartermaster-general of the army, Colonel Cross, was "murdered at some distance from the camp by some roving banditti;" and Lieutenant Porter, who was sent out to look for him, and check such "banditti," on the 17th attacked some Mexicans, and was attacked in turn and killed; only these were not the deeds of regular troops. But, on the 25th, tidings having reached the camp that the enemy was crossing the river in great force, both above and below Matamoras, Captain Thornton was sent out with a squadron of dragoons to ascertain whether they had crossed higher up the stream. When above twenty miles from the camp, he, according to one account, was suddenly attacked, just as he and all his men had got within the corral of a rancho; but, according to another, having discovered some Mexicans on a hill, he immediately made a dash at them, and when he reached the summit found himself in a trap, the Mexicans, both horse and foot, in considerable strength, under General Torrejon, being in a field on the other side. However it happened, the result was, ten men killed and six wounded. Lieutenant Mason was amongst the slain; and Thornton was captured with the rest of the officers and men, in all about seventy. And thus hostilities commenced in earnest.

Immediately on learning the fate of the squadron, Taylor despatched his requisitions on the governors of Texas and Louisiana for three thousand men from the former, and two thousand from the latter; made every preparation for reinforcing the detachment at Point Isabel, and for repelling an attack upon his camp; and joyfully forwarded to Washington the tidings that it was no longer needful to temporise, a sufficiently specious occasion for declaring war, on the ground of the commencement of hostilities by Mexico, having at last been found. And, had not this happened, three days later the "camp" of Captain Walker (one of the old Mier expedition prisoners, who was collecting volunteers), midway between Matamoras and Point Isabel, was attacked during his absence, and ten of his men (Texian rangers, armed with revolvers) were either killed or missing. The Mexicans lassoed, or "lariated," some of the men.

Leaving Taylor with the main body of his army to effect a hasty march for the relief of his depôt, which was said to have been attacked, and to meet the enemy, who had now got into his rear, if he could, we may return to the seat of government, and observe what passed when the President learned that his offers to negotiate the transference of half Mexico to the United States, under the convincing argument of an invasion, had been met by obstinate refusal to listen; and that he could now charge the guilt of beginning the war upon the Mexicans, because they had forborne to resist the invasion of their territory until now.

The despatch from Taylor, announcing that Captain Thornton's party had "become engaged" with the Mexicans, reached Washington on the 9th of May. The military committees of the representatives met in the morning, and the President's adherents in Congress held a meeting in the evening, of the 10th,

which was a Sunday; and on the 11th a Message (of great volume) was addressed to Congress, in which, after recapitulating the "accumulated wrongs" inflicted by Mexico upon the United States (all which, however, might have been resolved into two,—she resisted the dismemberment of her territory by the annexation of Texas, and refused to sell California and New Mexico), he said, reading events exactly upside down, "Mexico has passed the boundary of the United States, and shed American blood upon American soil. She has proclaimed that hostilities have commenced, and that the two nations are at war." Manuscript copies of the correspondence between the government and Slidell and Taylor accompanied this document.

The House of Representatives listened to the reading of the Message, and then, as if incapable of the effort of attending to the accompanying documents, refused by reiterated votes to listen to the correspondence. Instead of this, it resolved itself into committee of the whole, and proceeded to consider a bill drawn to enable the President "to accept the services of volunteers, and for other purposes," under "certain contingencies therein named." Which bill, it seems, had been reported from the committee on military affairs, about the end of the preceding January, and was intended to meet the expected collision with Great Britain about the Oregon territory, as well as that which was preparing with Mexico, as we have seen, by the march of Taylor to the Rio Grande. This bill was read, and along with it the instructions given to Taylor by the Secretary of War, and the despatches received from Taylor after he had taken his post at Corpus Christi; and in two hours the debate in committee was terminated by the adoption of a bill, the preamble of which stated that "by the act of the Republic of Mexico" the state of war existed between the two countries; and the previous question having been moved, the debate was cut short. The vote which carried that preamble was a hundred and twenty-three against sixty-seven; and the vote which finally carried the bill (the previous question having once more foreclosed the debate) was a hundred and seventy-four against fourteen! And "the whole proceeding, from beginning to end, occupied but a small portion of a single day."

In the Senate the President's Message was referred to a committee, which, on the following day, the 12th of May, simply reported the bill which had been sent from the representatives; and although, as Calhoun afterwards admitted, there was "not a particle of evidence" that Mexico had made war upon the United States, the bill was passed by a majority of fifty over two! This bill not only declared that the war existed by the act of Mexico, but, passing over all the unconstitutional proceedings of the President, placed both army and navy at his disposal, provided for the services of fifty thousand volunteers, and appropriated 10,000,000 dollars for the prosecution of the war.

"A kind of monomania pervaded the nation," says the authoress of the "Last Leaves of American History." "Their army was surrounded and in danger from the soldiers who had committed the massacres of Goliad and the Alamo." Certainly Congress appeared to labour under some delusion; but there is too great reason for believing that the panic under which fifty thousand additional troops were voted for the *defence* of the country, was (as one reviewer of the war has said) "not real but feigned." Possibly they did consider that



Taylor and his army were in peril ; but they could not have been so ignorant of the facts, nor so blind to the rights of the case, as to subscribe to Polk's assertion that the Mexicans had invaded the territory of the United States, and shed American blood upon American soil ; they must have known that the war existed in consequence of what the President had done, and that it was now undertaken, not for defence, any more than for the purpose of enforcing the redress of the "accumulated wrongs" of which we heard, but only to compel Mexico to dismember herself, that the territory of the United States might be extended.

That the Southern Democrats should regard this extension of territory as infinitely desirable, and so vote *ex animo* for the war, is quite credible ; not only their adhesion to the President would lead them to do so, but yet more forcibly their resolution to maintain their "domestic institution." This last motive would also prevail with the Southern Whigs, who, like the Democrats of the South, regarded slavery as the palladium of American liberty. We can understand, too, how the Democrats of the North would give a party vote in favour of the war which the Democratic President had commenced. But the votes of the Northern Whigs in favour of the war which the Democratic President had commenced, in order to procure new territories over which to extend the institutions of the South, so as to make the Southern interests in all respects supreme in the Union,—in favour of a war the measures leading to which they had denounced as "unwise and dishonest, and injurious alike to the interests and the morals of the country,"—these can only be explained by their hopes to stand well with the people at the next elections, whatever the issue of the war might be,—by their votes, if victory crowned the arms of the nation, and by their philippics against the President, if they were successful. The defence set up for them, that they could not vote for the bill without the preamble, and they did not think it right to refuse supplies, is rendered nugatory by their concurrence in the unusual and unbecoming haste with which the bill was carried ; and yet more completely by their adopting another defence at the time, namely, that Taylor and his army were in jeopardy, and must at all hazards be relieved. The validity of this pretext the next events we shall record will show.

On the 13th Polk gave his approval to the war bill, which was supported and carried out by other bills—for increasing the rank and file of the regular army, —for organising a company of sappers and miners, and for adding to the number of officers during the war,—for organising the volunteers, &c. ; all passed before the end of June. Mexico, on the other hand, as early as the 21st of March, announced by General Paredes to the American envoy, Slidell, that "peace not being compatible with the maintenance of the rights and independence of the nation, he should defend its territory ; while the national congress would undertake to declare war against the United States." On the 18th of April he gave orders to that effect, and on the 6th of July the congress passed a decree "authorising the government to use the natural defences of the country to repel aggression committed against many of the departments, and to make known to friendly nations the justifiable causes which obliged the nation to defend its rights by repelling force by force." The preamble of an act for

raising supplies thus expressed the feeling of the Mexican congress with regard to the hostilities which were then proceeding,—“The Mexican nation finds itself in a state of war with the United States of America,”—tacitly rejecting the *onus* of commencing the war, which the Americans endeavoured to fasten upon it, on the ground of various declarations of Almonte, Paredes, and others, before any encounter had actually taken place.

As soon as Congress had stamped “the President’s war” with the legislative approval of the nation, Polk and his cabinet proceeded to sketch a plan of the operations to be entered upon, in a manner which, to those who have followed the narrative we have given of what had hitherto been done, will clearly show that the real objects of the war were what we have said, and that the design of forming the “army of occupation” and sending it to the Rio Grande was what we have averred. By this plan an “army of the west” was to be raised, and to march under General Kearney from its rendezvous at Fort Leavenworth, on the Missouri, against New Mexico, and thence westward, to co-operate with the fleet, which was to be reinforced, against California; and “an army of the centre,” under General Wool, was to invade Coahuila and Chihuahua; but these were to be subordinate to the main design (as formed by General Scott), which was to penetrate into the interior by the line taken by Taylor, and perhaps from the coast, and to strike hard blows, and to repeat them until Mexico should consent to make peace on the terms which the United States’ government should dictate.

But Scott, though general-in-chief, being a politician as well as a military officer, seems to have been suspected by Polk and his advisers of “organising victory” for himself at the next presidential election, rather than for the United States in Mexico, by his paper campaigns; and he was “set aside in a measure,” as Ripley mildly says, and then matters were left mainly to Taylor’s direction, with this remarkable “instruction:”—“Policy and force are to be combined; and the fruits of the former will be prized as highly as the latter.” We shall see, as our story advances, how the plan grew; and how innocent of representing anything more than the very enthusiastic views of a patriotic citizeness of New York is this grandiloquent paragraph from Emma Willard’s “Last Leaves:”—“The American executive, aided by the head of the War Department and by General Scott, now sketched out, in two days’ time, a plan of a campaign, exceeding, in the vastness of the spaces over which it swept by sea and land, anything of the kind known in history.” Many, there can be no doubt, believed that history had nothing to equal this “plan of a campaign,” and we cannot here undeceive them; we can only say that history has many surprises in store for such; nevertheless, credulity of this kind is the raw material of enthusiasm verging upon fanaticism.

Poor old General Gaines—who regarded himself as sponsor at least for Texas, because of his authorised *filibustero* march to Nacogdoches, of which we have heard—experienced a disappointment deserving notice here, as illustrating the habits of the country and of the government of the United States in a remarkable manner. He was in command at New Orleans when the war began, and as soon as the requisition from Taylor for two thousand volunteers arrived, he constituted himself a complete war department, called out a much greater



number of volunteers, and speedily put *en route* for Point Isabel such swarms of half-equipped and wholly untrained volunteers, engaged for six months, as equally amazed both Taylor and the government at Washington. "Having thus commenced the business, and with his enthusiasm fairly aroused, Gaines proceeded to appoint officers of the line and staff, to call for an indefinite number of troops, and, in short, appeared about to raise an army on his own responsibility, and to invade Mexico without regard to the necessities of his troops, or the action of the government, except in so far as it was intended that the payment of expenses should be made through it. To put a stop to his embarrassing eccentricities, it was found necessary to relieve him from command." This happened in the beginning of June.

Meanwhile Taylor, leaving Major Brown to hold the entrenched camp opposite Matamoras, without any such alarm at the danger of his position as the Northern Whigs in Congress felt or feigned for him, marched to the relief of the little garrison at Point Isabel. The Mexican commanders, regarding this retrograde movement as a retreat (or affecting to do so, for Fort Brown, as they called the earth-work opposite Matamoras, was not evacuated), crossed the Rio Grande in force, and occupied the road along which Taylor had marched. From the batteries on the right of the river they also commenced a vigorous, but not very hurtful, bombardment of Fort Brown; and at Matamoras they published bulletins that had as little foundation on fact as if they had been concocted for the especial purpose of verifying the common saying about those documents.

From Point Isabel the cannonade at Matamoras could be distinctly heard, and the scouts informed the General that communication with Fort Brown was cut off. But he resolved, having put his *dépôt* into a condition to resist any attack that might be made upon it, to force his way through the enemy, and to relieve those whom he left on the Rio Grande. Late on the evening of the 7th of May he left Point Isabel, reinforced, indeed, but yet having less than three thousand men of all arms with him, and being encumbered with a train of three hundred waggons, containing provisions and munitions of war, and of course, in the presence of a stronger force of the enemy, requiring a considerable escort.

At a spot called Palo Alto (*Tall Timber*), Arista, with about double the number of Taylor's army, and twelve pieces of artillery, had posted himself quite across the road, having both flanks covered by thickets of chapparal, and a reserve in his rear. At two in the afternoon the Americans came in sight, and the Mexican batteries opened upon them when within seven hundred yards' distance. Their artillery, as numerous as the Mexicans', and of larger calibre, replied with terrible effect; for, instead of fighting the batteries, as the Mexicans did, the Americans fired on the masses of the enemy, and, as in their rifle-practice, aimed before they fired. Pounded in this terrible manner, the Mexicans attempted a charge with their cavalry, but were thrown into confusion before they got near the Americans, and retreated; another attempt failed in the same manner. They were equally unsuccessful in endeavouring to turn the Americans' right flank; and an advance of their own right was met by two eighteen-pounders, which were placed so as to enfilade their line, and caused great slaughter. The American line was also pushed forward till it was parallel with

the advanced position of the Mexicans ; but, though Taylor told his infantry (few of whom had been in action before), that their "main dependence must be in the bayonet," they never charged during the whole of the engagement. About four o'clock the firing slackened, for the prairie took fire, and the smoke incommoded both armies. When night fell, both sides withdrew, but neither far from the battle-field.

Strictly speaking, the battle of Palo Alto was a "drawn game," for neither party was actually defeated ; and, if General Taylor was not prevented from advancing, Arista was able to oppose him and engage him again on the following day. But when the numbers are considered, and the losses on each side, the advantage is seen plainly to have been with the Americans, who lost only nine killed, forty-four wounded (ten of whom afterwards died), and two missing. The official return of the total Mexican loss was two hundred and fifty-two ; but, as Arista abandoned the field of battle, and with it his dead and wounded, there is good reason for believing that, as the Americans said, it was nearly double that amount.

Uncertain respecting the dangers of the enemy, Taylor, on the morning of the 9th, resolved to park his train, and field-works were hastily thrown up for its defence. The wounded were collected and sent to Point Isabel, and a council of war was called. Arista, meantime, had fallen back on the road to Matamoras, and taken up a strong position on a ravine called the Resaca de la Palma (or del Guerrero), where he was reinforced by some two thousand men. As soon as this had been ascertained, Taylor put his army in motion. In the course of the afternoon, his skirmishers, advancing through the thick chapparal, came upon the enemy's forces. One battery was brought up to oppose them, and very speedily a charge of cavalry swept the Mexicans from their guns, and broke their line on the other side of the ravine, in spite of one or more gallant attempts to retrieve the fortune of the day ; while the infantry, now fighting as skirmishers, and now forming and resorting to the bayonet, drove the enemy before them in total rout. From all parts of the field the discomfited Mexicans rushed to the river, where numbers were drowned in the vain attempt to cross. Their camp fell into the hands of the victors, with all Arista's private papers. And the Rio Grande was established as the boundary-line between the United States and Mexico.

In this victory of Resaca de la Palma, the Americans, with at most two thousand men, had completely defeated about three times their numbers. Their losses were thirty-three killed, and eighty-nine wounded, of whom eleven died subsequently. The Mexicans lost in killed, wounded, and missing, half as many as the whole number of the American army ; and when the stragglers were all collected on the following day at Matamoras, "only a fifth of their original strength" appeared. "The salvation of this remnant was owing to General Taylor's not having made use of his victory. If he had pursued our troops," say the Mexican historians of the war, "and followed them across the river, it is undoubted that he would have completely destroyed them, and taken Matamoras without opposition." Such failures are common in all wars ; and Taylor's scanty force, and the impossibility that he should know, what was in itself incredible, that he had destroyed the "army of the North," will account for his



being contented with the accomplishment of his own object. His trophies were rich enough. He had as prisoners one general, one colonel, one lieutenant-colonel, four captains, and five lieutenants, besides rank and file. He had taken eight guns, two thousand muskets, five hundred mules, all the baggage and equipage of the army, and a hundred and fifty thousand musket cartridges. He had driven the enemy over the Rio Grande, and relieved Fort Brown.

Fort Brown, which had been left to its own resources by Taylor's retrograde march to Point Isabel, was of an irregular pentagonal form, spacious enough to receive the whole of the "army of occupation," as it then was, but garrisoned by five hundred men alone, and mounting no more than four eighteen-pounders and four light six-pounders. But it commanded Matamoras; and the Mexican works opposed to it were inferior to it in every respect, except the number and variety of their armament. On the 3rd of May, Arista began his attack on the fort; and, finding the fire of the eighteen-pounders superior to that of his own batteries, he confined himself, for the most part, to a vertical fire from his mortars, which was continued with greater or less energy till the 9th, when the chase of the fugitives from the Resaca de la Palma was carried so far that the pursuers found themselves within range of the guns that had been bombarding Fort Brown. The only change was an attempt to assault the fort on the northern side, which was repulsed with complete success by the field battery; and a summons to surrender, after the assault had failed, which was received as such a blundering inversion of the proper order of proceeding deserved. The fort suffered very little from this bombardment, nor were the losses of the garrison severe, as to number, there being but one killed and nine wounded, of whom one, and he the gallant Major Brown who commanded the defence, and after whom the fort was named, died subsequently.

The 10th of May was spent by the Americans in burying the dead, and by the Mexicans in rallying a fraction of their force in Matamoras. An exchange of prisoners was also effected. Taylor next made preparations for passing the river, and took possession of a village on the right bank, some miles lower down. By the 17th everything was in readiness, and Arista then proposed an armistice for diplomatic action about the boundary question, which Taylor brusquely declined, and next day crossed without encountering any resistance, and entered Matamoras; the enemy having finally evacuated the place early in the morning, carrying off eleven guns, the rest being spiked or thrown into the river. Their sufferings on this retreat were frightful enough, although the Americans did not pursue them for more than sixty miles, and left them unmolested after the 19th; and on the 28th they halted at Linares, where General Arista was displaced, and the command given to Mejia.

We shall offer no criticism on the conduct of this campaign; General Taylor's laurels were honourably earned. With scanty forces and imperfect equipage he had utterly beaten at least three times his own numbers; however deficient his strategy had been, he remained victor. And for this result he was indebted not merely to the infinitely worse generalship of his antagonist, but to the superiority of his men in every soldier-like quality, and especially as marksmen, over the Mexicans.

As soon as the war began, the United States' government, "wise in its

generation," prepared a means of annoying and weakening the enemy which Mexico was wholly unable to resist. General Santa Anna, as we said, was living as a refugee at Havana; an officer of the United States' navy was despatched to him, with such instructions as the next movement will fully explain. On the very day that war was declared, orders were given to the commander of the home squadron, then blockading the coast of Mexico, to allow Santa Anna "to pass freely," if he should "endeavour to enter the Mexican ports." For Polk and his cabinet well knew that, unless victory should invest Paredes with a factitious popularity, the suspicion that was entertained respecting the purity of his republicanism (apart from the circumstance that every one who could contrive to get up a *pronunciamento* considered himself entitled to be head of the government) would be sure to afford grounds enough for such internal contests as would enervate all opposition to the American army; and they expected that if Santa Anna should recover the dictatorship of Mexico by their contrivance, or help, gratitude would induce him to consent to dismember the country, and accept whatever terms they might please to offer.

And in fact it happened as they anticipated. For Paredes not being successful, after some obscure and uninteresting movements, a *pronunciamento* of Santa Anna's party took place at Vera Cruz, at the end of July, which prospered so, that on August the 5th Paredes was a prisoner. Information was speedily sent to the exile, who hastened to Vera Cruz (Commodore Conner "allowing him to enter without molestation" on the 16th), and at once took his stand upon the constitution of 1824 against Paredes, and denounced the aggressive conduct of the United States. New offers had been made to the provisional government of Mexico to terminate hostilities and enter into negotiations; but, after sufficient delay to put Santa Anna at the head of affairs, the proposal was waived by a reference of the whole matter to the congress of Mexico, accompanied by such a discussion of the grounds for resorting to hostilities as showed a complete unwillingness to assent to the demands of the government of Washington.

Not till after the middle of July was any further advance into the undisputed territory of Mexico attempted by the American "army of occupation;" but its general was not idle. In fact, his task during that period was more harassing than the conduct of military operations would have been. So enthusiastically did the country respond to Taylor's requisitions and the call of the government, especially after the tidings of the battles of Palo Alto and Resaca de la Palma, that many more volunteers flocked to his head-quarters in Matamoras than he could easily dispose of. Without equipment, without training, without discipline, possessed only of a sure aim, complete recklessness regarding danger, a keen appetite for plunder, and unimpeachable orthodoxy in their opinion of the war, it was often more than the commander knew how to accomplish,—the examination, reception, and organisation of these too willing recruits. General Gaines' volunteers were discharged, *en masse*, as enlisted for an "illegal term of service." And besides this, he was chief adviser of the War Department at home upon the plan of the campaign.

"The quartermaster's department, too, was one of incessant toil and anxiety ;



because, called unexpectedly and for the first time into active service in the field, it was comparatively unprepared to answer the multitude of requisitions that were daily made upon it by the government, the general officers, and the recruits. The whole material of a campaign was to be rapidly created. Money was to be raised; steamers bought; ships chartered; waggons built and transported; levies brought to the field of action; munitions of war and provisions distributed over the whole vast territory which it was designed to occupy."

In the camp, too, there were, as always when an army in the field is not engaged in active hostilities, heart-burnings and grievances of every species discovered and invented. And the discipline of the "regulars," the "volunteers" being so very irregular, could not but be somewhat relaxed. Another element perfectly novel was "the Press;" correspondents of newspapers accompanied the army, with rifle on shoulder, or *en citoyen*; and all the proceedings of the camp, and all the plans of the general (or surmises concerning them, when knowledge was impossible), were discussed in every journal throughout the nation, and debated whenever, at home or abroad, any number of the people happened to meet. And, in addition to this, there was at head-quarters, and it followed the army through the war, an actual printing-press for the use of the general and the staff!—an improvement upon the old plans which was then for the first time introduced, and which has since been generally adopted in extensive warfare, by European armies.

As soon as all indispensable preparations were made, on the 19th of July the word was given to advance. Reynosa, Camargo, Mier, and other important posts along the Rio Grande, and on the road to Monterey, were occupied. On the 8th of August, head-quarters were removed to Camargo, which was made the *dépôt*, on account of its convenience, for the reception of supplies and reinforcements by means of the river, land transport being almost impossible. Eleven days later, the march from Camargo commenced, and it was continued without intermission, though not in disorganising haste (notwithstanding which, the discharges of the volunteers were numerous), till, on September the 13th, at Papagayas, the first appearances of the enemy were discovered. Their outposts retired upon Monterey as the Americans advanced, and Taylor's whole army was concentrated on the Rio San Juan, about five and twenty miles from Monterey, on the 15th; and three days afterwards approached the city.

Seated beneath the elevated ridge of the Sierra Madre, on the San Juan de Monterey, which is but a small stream, and surrounded by a fertile and tolerably well cultivated valley, Monterey, with its regularly arranged streets, its public buildings (some of which were yet unfinished), was a place of promise, as an *entrepôt*, or emporium, for the commercial intercourse between the coast and the interior. It had about ten thousand inhabitants at this time; but under the governments of Mexico, vice-regal, dictatorial, republican, and revolutionary, improvement, such as the principal cities of the United States had displayed, was impossible.

General Ampudia, whom Santa Anna had invested with the command, was here with a force of more than ten thousand men, seven thousand of whom belonged to the regular army; and his stores of all kinds were ample. But these facts were doubted by the Americans. His dispositions for the defence

of the place were characterised by ruinous vacillation, as well as by great want of judgment; but he did not boast the less, on these accounts, of the triumph he was about to achieve. From his head-quarters at Walnut Springs, Taylor made reconnaissances of the country round, as well as of the city and the works of the enemy; and the result was a determination to make a circular march with a part of his force, and cut off the communications of the place with Saltillo and the interior, by a road through a vast chasm in the mountains. This movement was intrusted to General Worth, who on the 20th took up a position quite at the foot of the mountains, opposite to a fortified hill called Loma d'Independencia, on the north of the river, and another like it, on the south, called Loma de Federacion. Meanwhile, as a diversion, an attack was made at the eastern end of the town, which, being converted into a real assault, ended in the capture of Fort Teneria, and an ineffectual bombardment of the citadel was attempted.

Next morning the attack commenced in earnest, and was continued during the 21st, 22nd, and 23rd of September; on the 24th the garrison capitulated. The battle of the 21st began with a cavalry affair, at the western extremity of the town, near the Saltillo road. Successful in that encounter, and having accomplished his design of cutting off the communications of Monterey with the interior, Worth next determined to carry the fortress on the Loma de Federacion, south of the San Juan, which commanded the lower road to Saltillo. This, after a sharp contest, he accomplished.

The operations at the eastern end of the town were to have been confined to a diversion. But "what was designed only as a feint, soon became a severe and deadly conflict. Our men—especially the volunteers, eager to flesh their swords in the first conflict with which the war indulged them—rushed into the city, which seems to have been amply prepared in that quarter with barricades, forts, loopholes, and every means of defence suitable for the narrow streets and flat-roofed and parapeted houses of a Spanish town. On they fought, from street to street, and house to house, and yard to yard, until night closed over the dying and the dead."

During that night, an attack was commenced upon the Loma d'Independencia, which terminated on the evening of the 22nd with the capture of the "Key of Monterey." At the eastern end of the town nothing of importance occurred. Wherefore, on the following night, Ampudia, who was sensible of the importance of the hill Independencia, advanced in force to attempt its recovery; but on his first meeting with the American pickets he was received so warmly that he gave up his design. On the following day, the 23rd, the assailants advanced from both extremities of the town; but "instead of risking life in the street, which was raked from end to end with artillery, or rendered untenable by the hidden marksmen, who shot our men from behind the walls of the house-tops, our forces were thrown into the dwellings, and breaking through walls and enclosures, gradually mined their way towards the *plaza*, or great square, of Monterey."

It was on this day that the following circumstance occurred, which we relate in the words of an historian whose impartiality will not be questioned by those whose humanity is impugned by the fact he records. "During the cannonade



which was maintained" from the forts Obispado and Soldato, says Ripley, "a flag was displayed at the foot of the Loma d'Independencia, the bearer of which conveyed to General Worth a communication from the governor of the city, asking permission for the women and children to leave the town; but as Worth had no authority to grant or refuse the request, he transmitted it to General Taylor. It was not received by him until late in the day, and, made at the period of the operations at which it was, was deemed inadmissible, and of course refused."

Both attacks of the besiegers having answered their expectations, "it became evident to the Mexicans that their town must fall, and that if finally taken by the sword it would be given up to utter destruction and pillage. A capitulation was therefore proposed by Ampudia," early on the morning of the 24th, which "stipulated for the withdrawal of his forces, and an armistice." It was not without some discussion that the terms were arranged; but in the end, the Mexican commander was allowed to evacuate the town, his troops retaining their small arms, and carrying with them one field battery of six guns, with twenty-one rounds of ammunition, and all the cavalry horses. The victors were to have all the other material of war in the town, and all the public property. Taylor's consent to a suspension of arms and to this capitulation was the more readily given, because Ampudia announced that he had been officially informed that Santa Anna (whose return and resumption of the conduct of affairs Taylor now first heard of) had agreed to receive commissioners from the United States, and had appointed commissioners on the part of Mexico, to negotiate a peace. Next morning the evacuation commenced, and on the 28th of September the whole town and citadel was given up to the Americans.

What the loss on the Mexican side was it is impossible to say; the estimate varied from five hundred to a thousand. The conquerors lost in killed one hundred and twenty-eight, and in wounded (of whom eighteen subsequently died) three hundred and sixty-eight. Their trophies were forty-two pieces of artillery, and a vast quantity of military stores. But, better than all spoils, better even than the captured town and territory, was the *prestige* of invincibility which was thus secured to the American army of Mexico; and this imparted to this armistice which Taylor had concluded with Ampudia all the importance of a prelude to a definitive treaty of peace.

Leaving the victors and the vanquished for awhile at this point, let us see what had occurred in other regions of the seat of war, which in this instance stretched across an entire continent. No sooner was news of the commencement of hostilities on the Rio Grande received by the government at Washington, than orders were given to General Wool to muster and prepare the volunteers to be raised in accordance with the Act of Congress declaring war. At the end of May he set out, and, passing by Ohio, Indiana, Illinois, Kentucky, and Tennessee to Mississippi, met the newly enlisted volunteers at various stations along that route, inspected them, and admitted twelve thousand of them; who, about the middle of July, were ordered to join the army. About nine thousand of these were ordered to the Rio Grande, as reinforcements to Taylor's army; the rest rendezvoused at Bexar, in Texas, in readiness to

march under Wool himself, as the "army of the centre," against Chihuahua. Nominally, this expedition was under the command of Taylor also; but, as little was known respecting the country that was to be the scene of its action, everything except its destination was left to its own commander, as if it had been intended only to co-operate with Taylor's army.

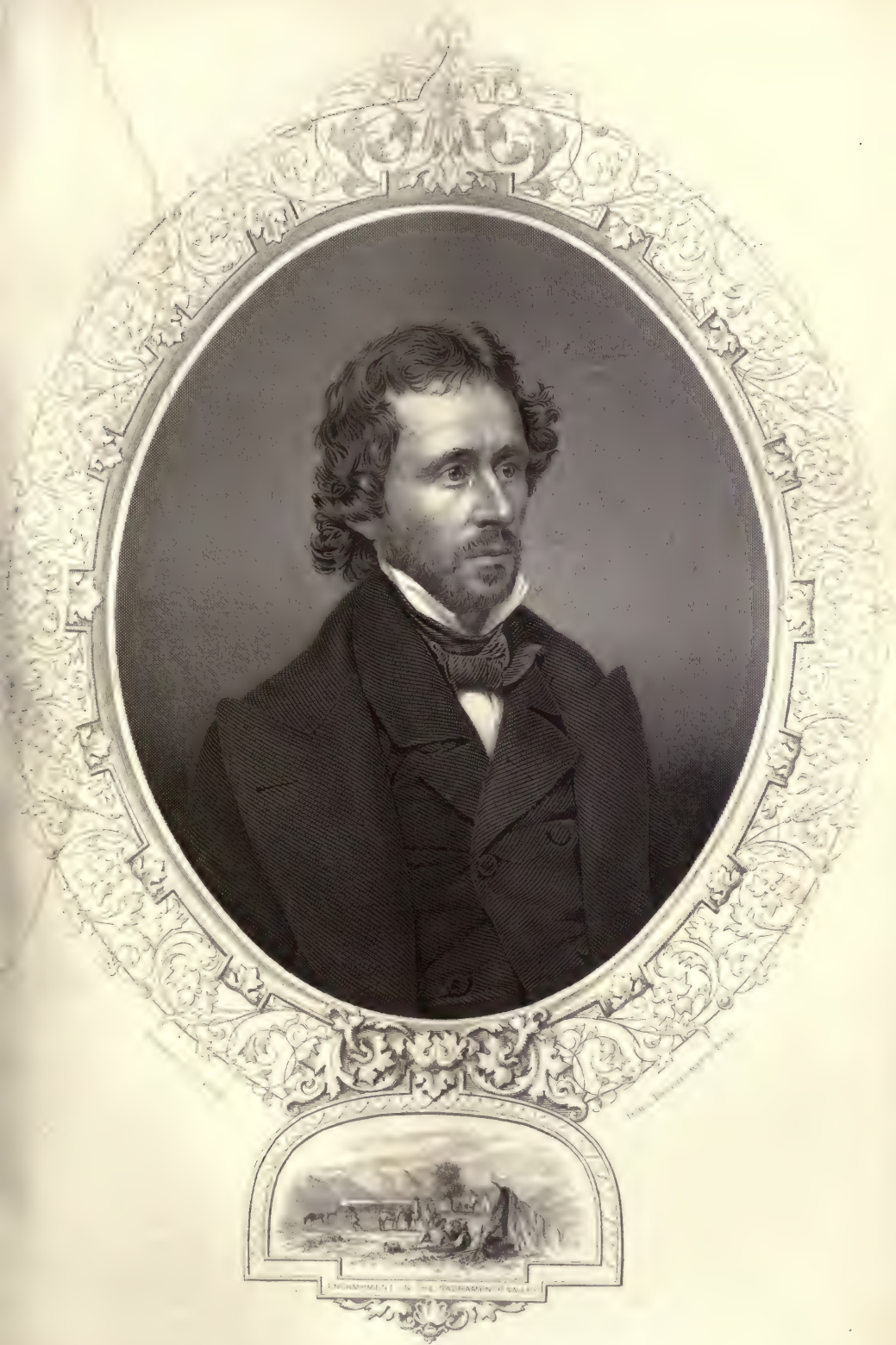
Setting out from Bexar on September the 20th, on the 11th of October Wool crossed the Rio Grande at Presidis; and after a march of twenty days, through mountain-passes and deserts, along which in many instances roads had to be formed before his train, which was immense in proportion to his numbers, could pass, and where the sufferings of the men were often very great, he arrived at Monclova. There he learned from General Taylor that Monterey had been captured, and that he had agreed to an armistice with Ampudia; and was also informed that the route, by which it was originally intended that he should reach Chihuahua, was impracticable for his train; whilst it was manifest that the conquest of New Leon and Coahuila, effected by Taylor, made the expedition against Chihuahua unnecessary. It was therefore resolved to abandon this design, and to post Wool's army, with the exception of a guard for the dépôt at Monclova, at Parras; where it could be in communication with the rest of the "army of occupation," in which it was now merged.

The command of the "army of the west," which was raised principally in the State of Missouri, was given to Colonel Kearney, who, with a force amounting to less than two thousand men,—some of whom were "Mormons who were preparing to emigrate to California,"—about the end of July was at Bent's Fort, on the Arkansas, ready to march for New Mexico. Taking in convoy the annual "caravan" of Santa Fé traders, he then set forth across the prairie; and, after toils and sufferings on the part of his men quite as great as those endured by the other armies, on August the 18th he entered Santa Fé. The governor, Don Manuel Armijo, intended to oppose him, and for that purpose posted himself at the cañon of Galisteo; but before Kearney's force came in sight, he altered his plans, left the pass undefended, and the city open to the entrance of the invaders.

Four days after this bloodless conquest, Kearney issued a proclamation, in which, assuming the final acquisition of the territory by the United States, he announced the intention of its new lords to provide for it, "with the least possible delay, a free government, similar to" theirs; he "absolved" the citizens "from all further allegiance to the Republic of Mexico," and "claimed" them as "citizens of the United States;" and required all who had "left their homes and taken arms" against him, "to return forthwith," under pain of being considered "enemies and traitors," and punished as such. Before this time, no general of the United States had ventured upon such a stretch of power, which can only be paralleled by that exercised by the commissioners of the first French Republic, when their armies drove back the invaders of their country, and began to make conquests in reprisal. Whether authorised by the President or not, Congress should have testified against such a violation of the constitution, in the most emphatic manner provided by that instrument!

Kearney conducted a subordinate expedition as far as Tome, during the month of September, but the whole of New Mexico had submitted without a





*J. B. French*





stroke. Wherefore, establishing a territorial government there, and appointing a governor and other officers, he set out, on September the 25th, with fewer than a thousand men, for California, in accordance with the instructions he had received.

California, however, had already fallen before the arms of the triumphant republic. We pointed out two very diverse forces already prepared to annex that territory,—the "scientific" exploring expedition of Captain Fremont, and the squadron in the Pacific. Fremont came into operation the earliest, and the story is a very remarkable one. As soon as he reached the frontiers of the department with his sixty-two men, leaving them there, he went forward alone to Monterey, and obtained the permission of General De Castro to pass through the country under his command. Whilst he was availing himself of this permission, in March, 1846, he was informed by some American settlers that De Castro was preparing to attack, with horse, foot, and cavalry, him and his threescore and two followers, "upon the pretext, that, under the cover of a scientific mission, he was exciting the American settlers to revolt."

We cannot but conclude that if this be not an unintentional admission of the real design of the captain's journey, he must have conducted himself in such a manner as to awaken the suspicions of De Castro, who could not but be more than ordinarily vigilant, knowing what Commodore Jones had attempted. And we rather incline to the former inference; because, when thus warned, instead of demonstrating the innocence of himself and his men of any design except against the *Fauna* and *Flora* and *Oreads* of California, "he took a position," says the Secretary of War, when afterwards telling the tale for the instruction of Congress, "on a mountain overlooking Monterey, at a distance of about thirty miles, *entrenched* it, raised the flag of the United States, and with his own men, sixty-two in number, awaited the approach of the Commandant-General."

"The American settlers," the Secretary proceeds, "were ready to join him at all hazards, if he had been attacked;" which suggests much that is unfavourable to the purity of the captain's intentions throughout. It appears that chivalrously, or in the hope of provoking an attack, Fremont waited on his entrenched hill awhile, and finding himself unmolested, he continued his journey to Oregon. De Castro complained to his government of this conduct of Fremont, and sent the news of his departure with excessive and premature exultation. One historian of the war, Ripley, says, "It is difficult to perceive in what Fremont's action can be deemed unjustifiable;" but had a party of English subjects entered the territory of the United States from Canada, and, in the same way as Fremont did, occupied a height within thirty miles of Boston, entrenched it, and hoisted the Union Jack, we suspect that neither the United States' government nor the most vehement Southern Democrat could have had any difficulty in perceiving wherein the action was unjustifiable.

After Fremont entered Oregon, he was attacked by a tribe of Indians, who killed and wounded five of his band. Their hostility he ascribes to the Governor of California, but there is no evidence adduced in proof; and none is wanting to show that the red men of that remote region did not require any extraneous incitement to attack a party of white men on "the war path," as Fremont's

could not fail to look to their undiplomatic eyes. And now another thread of intrigue crosses that we have been following.

On the 9th of May, this remarkable party of "scientific" explorers was overtaken by Lieutenant Gillespie, of the Marines, who had been despatched from Washington early in the previous November, before Taylor had crossed the Nueces, and before amicable intercourse between the United States and Mexico was totally suspended. He was sent to Vera Cruz in the first instance, and travelled thence through Mexico to Mazatlan, in California, in the disguise of a merchant. There he saw Sloat, the commander of the squadron of observation, and then he went to Monterey, having a despatch containing instructions from the government for the American consul at that place. This despatch was to be communicated to Fremont also; but, such was the nature of its contents that, before he landed at Vera Cruz, he committed them to memory, and destroyed it, delivering only a *verbal* message to the consul and to the "scientific" traveller!

But Gillespie carried with him sufficient credentials to authenticate his recital of the destroyed letter: a letter from Senator Benton, containing "enigmatical passages," intimating what Ripley as enigmatically reports as giving Fremont reason to suppose the government wished him to "ascertain and counteract any schemes which foreigners might have in relation to the Californias," or "to cause precautionary measures to be taken against British schemes for the acquisition of territory,"—the government all the while knowing, as well as the British government itself, that there were *no* such "British schemes" on foot, nor ever had been. Gillespie also bore a brief note from the Secretary of State, Buchanan, addressed to J. C. Fremont, *Esquire*, and informing him that the bearer, *Mr.* Archibald H. Gillespie, "about visiting the north-west coast of America on business, had requested a letter of introduction to him," and assuring him that this *business* traveller was "a gentleman of worth and respectability, and worthy of *Mr.* Fremont's regard." What a tangle of petty intrigue and subterfuge is here! Who can doubt that the President expected, by the same means as had succeeded in the case of Texas, to get California for the United States?

Fremont's movement on the receipt of *Mr.* Gillespie and his documents, oral, official, &c., demonstrates this. And Ripley's perplexity makes the "assurance doubly sure," for, says he, whether Senator Benton intended that anything in his letter should be construed into advice to do what Fremont now did, "is a question of doubt." And, in brief, this was what he did (for we may omit the Secretary's tales of what he heard—expeditions of De Castro, with horse, foot, artillery, and Indians, half a thousand men at least, against him and his fifty-seven "scientific" explorers, or against them and the American settlers in the Sacramento Valley, too), he turned back, and determined to overthrow the Mexican government in California and establish an independent government there,—he and his fifty-seven men, with *Mr.* Gillespie (whose "business" in that region is now satisfactorily explained), against De Castro's cavalry and cannons, and all the rest of his forces. Except on the supposition we have kept before the reader, this story is as palpably inconsequential and unreal as any tale of the "Arabian Nights' Entertainments," or of "King Arthur's Round Table," or



Don Quixote's or Sancho Panza's adventures. And it seems incredible that it should have been related in the first session of the thirtieth Congress with any expectation of belief. And yet it was so related, *and was believed*.

Hurrying to the Sacramento, whilst Mr. Gillespie went down the river to secure the immediate assistance of the fleet, J. C. Fremont, *Esquire*, commenced operations: he captured two hundred horses one day; another day took Sonoma, and all its armament; and another attacked and defeated a squadron of seventy dragoons; he rallied round him, now forty settlers, now ninety, and soon had above two hundred at his command; and finally, on the 5th of July—just one day too late for the completeness of the romance—at Sonoma, he and the American settlers proclaimed the Republic of California. with himself at the head of its affairs!

Once more we must beg our readers' patience while we take up another thread. We saw Commodore Sloat watching with grim eyes, and grimmer guns, the coveted territory of California, under orders of some unknown tenor, from Washington; and we saw Mr. Gillespie (then *Lieutenant Gillespie*) communicating with him at Mazatlan. As soon as ever the declaration of war was made by Congress, Sloat was ordered "to take and hold San Francisco;" but before that order reached him, on the 7th of June, he heard of the battles of Palo Alto and Resaca de la Palma, and the next day sailed for Monterey. On July the 7th, just two days after Fremont's Declaration of Independence, Monterey was in his hands; and on the 9th, San Francisco fell, and Sloat proclaimed—"Henceforward California will be a portion of the United States!"

So fell the Republic of California, not unexpectedly, on the fourth day of its existence; and with it also fell the "independent" "revolutionary" authority (dictatorship, presidency, or whatever it was) of Colonel Fremont. Singular births of time, both of them, thus (not) untimely they perished. There was a trial afterwards, in which Fremont figured as defendant, and dissipated much mystery from this California business—incidentally throwing light on the history of the annexation of Texas, and on some other territorial acquisitions of the United States. And we need only add, that Commodore Stockton succeeded Sloat (who retired from the command at this station at the end of July), and he most remarkably carried out the conquest and occupation of the country, exactly in accordance with the *letter* of instructions given to Commodore Shubrick (dated at Washington some days after the things were actually done), when he was sent out in the following month to supersede Sloat, whose retirement was not then known!

It was the news of these events that met Kearney soon after his departure; and thereupon he sent back almost all his men to Santa Fé. He held another thread of this strange business,—converted into a "thrum," by the success of the others. It is remarkable, that the acquisition of California, like that of New Mexico,—for which President Polk, usurping the power of Congress, went to war,—was effected without the loss of one life in combat, and, like it, was characterised by proceedings as totally unconstitutional as those of the President themselves. Henceforth the interest of "the war" restricts itself to Mexico proper, to which we now return.

There we have to notice the blockade of the Mexican coast—not very effectively kept—by the American squadron under Commodore Conner; and the attack upon Frontera by a flotilla under the command of Commodore Perry. But nothing was accomplished which at all revived the naval renown of the war of 1812; for Mexico had neither fleet, nor commerce, which made her upon the ocean a worthy antagonist of the United States.

In the President's Message at the end of this year (1846) occurs a complaint, which we must record here because of its bearing upon more recent events, in which "the case is altered." Complaint is made that "the Mexican government had sent to Havannah blank commissions to privateers, and blank certificates of naturalisation, signed by General Salas, the then present head of the Mexican government. There was also reason," added the President, "to apprehend that similar documents had been sent to other parts of the world." And after reciting the treaties with Spain, which provided that citizens and subjects of either nation who should act as privateers against the other should be punished as pirates, and expressing his confidence in the good intentions of the Spanish government, he continued,—“I recommend that Congress should immediately provide by law for the trial and punishment, as pirates, of Spanish subjects who, escaping the vigilance of their government, shall be found guilty of privateering against the United States.” He also recommended the “granting of letters of marque and reprisal against vessels under the Mexican flag.” But at the same time he assured Congress that the navy could protect the commerce of the United States against the privateers, and that there were scarcely any commercial vessels of Mexico upon the high seas.

Many matters must be passed over in our necessarily condensed narrative; we therefore shall merely hint, that the War Department at Washington remained without any distinctly conceived plan of a campaign, and consulted General Taylor continually, and sometimes acted on his suggestions,—that the regulars in his army “had great envy” of the volunteers, whose pay and position was superior to their own;—that reinforcements ceaselessly marched to the seat of war;—and that not a small proportion of these hastily-raised levies never even joined the army, dying on the road of fatigue, disease, and excesses, or being fit only for the hospital when they reached the dépôt. In addition to the inconveniences of having to compensate for the inefficiency of the war ministry, and to “organise victory” as well as gain it in the field,—and of having to convert, almost in the presence of the enemy, the undisciplined gangs that were sent to him as reinforcements, into *troops*,—Taylor had other “griefs:”—his armistice was not ratified by his government; he was ordered to change his demeanour towards the Mexican population, and to make the war support itself, as far as possible; and he found himself deprived not only of the sole command, but also of a part of his army. The “general orders” of the commander bear undeniable evidence of the disorderly conduct of some of his troops.

Upon the refusal of the government to ratify the armistice, we will merely repeat the comment of Brantz Mayer, whose sentiments on the war will prevent any suspicion of unfairness towards the administration. “The authorities at home,” he says, “eager for fresh victories, or pandering to public and political taste, did not approve and confirm an act, for which General Taylor has,



nevertheless, received, as he truly merits, the just applause of impartial history." To appreciate the conduct of the government in this matter, it behoves us to remember that both California and New Mexico had (however unconstitutionally) been *annexed* to the United States, and that not a Mexican in allegiance to his own government remained on the east of the Rio Grande. The real objects of the war were actually gained; and it would have been possible to dictate a peace such as the President desired, had the opportunity been seized. It was rejected, and after six times as much bloodshed, and at a vastly increased cost, at the end of another year of hostilities, the same terms were made that might now have been secured.

By order of the government, then, the armistice of Monterey ceased; and Taylor, leaving Worth and Butler at that town and at Saltillo (which had fallen, as a sort of corollary to the capture of Monterey), hastened with part of his army towards Tampico, which it was part of the new plans to seize. Having arrived at Victoria, the capital of Tamaulipas, he found that Commodore Conner had already made himself master of Tampico; and he proceeded no farther, that he might not be too far away from the rest of his forces.

It was whilst Taylor was away on this expedition, that tidings of the preparations of Santa Anna for an attempt to drive the invaders out of Mexico reached the "army of occupation." By the end of 1846, having found that the popular feeling, especially after the disavowal of the armistice of Monterey, was still in favour of resistance to the attack made upon the country by the United States, he had accepted that line of policy, and at San Luis de Potosi, in the heart of Mexico, and on the high road from Monterey to the capital, he had collected an army of twenty thousand men, all eager for the combat, and confident of victory. The scanty and scattered detachments of the American army could scarcely have stood before a well-planned and resolute movement of such a force; but Wool was summoned from Parras, and Taylor was daily expected back, and the determination to hold the ground they had won was the augury of success.

But the administration had gradually arrived at the conclusion that no effectual progress could be made by following up Taylor's line of attack, although it perceived the advantages of retaining possession of his conquests, for the present;—and as the sea was at its command, and an army could be thrown upon any point of the coast which might seem most suitable as a base of operations, it was resolved to seize Vera Cruz, and thence to march directly upon the capital. General Scott was therefore once more summoned to the councils of the government, and invested with the office of "commander-in-chief of the American army in Mexico," for the purpose of carrying out this new programme.

Scott, a prudent general, justly regarding this as the most considerable undertaking in the war, and warned, too, by his former experience of the temper of the administration, that, though the credit of success (if attained) was to be shared between him and the government, the blame of failure (should that befall) was to be all his own, patiently and steadily devoted himself to perfect all his arrangements, before taking an irreversible step. And, amongst other measures, he deemed it requisite, not only to stop the march of any further levies to

Taylor's army, but even to recall a considerable portion of its best and most efficient troops. Had Scott known that Santa Anna's forces were ready to advance towards the northern frontier, and that nothing but an immediate demonstration before Vera Cruz could divert its march, he would scarcely have diminished the strength of the "army of occupation" at this moment. But this, which threatened the loss of Taylor's well-earned fame, proved the means of raising it to a higher degree than it had yet reached; and in the end facilitated the decisive movement of Scott against Mexico.

After many alternations of feeling respecting the likelihood of an attack by Santa Anna, against which all the preparations which courageous prudence could dictate were made when Taylor returned to the valley of the Rio Grande, it was certain that they must soon expect to encounter the best army, under the most accomplished general, which Mexico could boast. The entire force which Taylor could bring into the field was four hundred and seventy-six regulars (consisting exclusively of artillery and cavalry), and four thousand two hundred and fifteen volunteers. The enemy, according to Santa Anna's "summons," were twenty thousand strong, at the time of the battle of Buena Vista; but it appears, from an account published subsequently, that his army was not so strong as when it first set out for San Luis, and that it had experienced a loss of four thousand men, "from death, sickness, stragglers, and desertion," before the engagement. Yet according to this estimate it was about three times as strong as the American army; and it contained the best soldiers the country could furnish for its defence.

The Americans had advanced beyond Saltillo, on the road to San Luis, as far as Agua Nueva; but when the strength of the enemy was known, Taylor resolved to fall back about thirteen miles to a pass near the *hacienda* of Buena Vista, called *La Angostura*, or "The Straits." The road here passed through a gorge in the mountains, and was defended on the west by a complete network of deep gullies, cut by the torrents from the heights on that side, and almost everywhere impassable; whilst on the east a narrow shelf of table-land between it and the mountains was much intersected by ravines, through which, at certain seasons, rapid streams rushed into the rivulet that meandered through the pass. General Wool had been struck by the capabilities of the spot for such a defence as the American army seemed likely to be called upon to make, when he advanced to Agua Nueva, and Taylor confirmed his opinion by selecting it as the place to make a stand against Santa Anna.

On the 21st of February positive information was received of the near approach of the Mexican army, Colonel May having fallen in with part of its force in the region east of Agua Nueva, and Major M'Culloch with the main body near La Encarnacion, and the whole American force was withdrawn to Buena Vista. The detachment which Colonel May discovered was the cavalry of General Miñon, two thousand strong, and it had been despatched by Santa Anna in a very circuitous route, to get into the rear of the Americans, threaten Saltillo, and cut off their retreat. And at the same time General Urrea was sent in a circuit to the west of the road held by the Americans, with about a thousand *rancheros* to co-operate with Miñon. The Mexican general made every arrangement for the completeness of the



victory he anticipated: but no provision against the defeat he was destined to experience.

Taylor placed a battery of eight guns under Captain Washington, and properly supported, so as to command the road through the gorge; on the right of the stream, behind the gullies, he planted two guns under Captain Bragg, with supports of infantry and horse; to the left, on the narrow plateau with its steep ravines, were posted two regiments of infantry, with two guns; and on the skirts of the mountains were riflemen and cavalry. Two guns under Captain Sherman were in reserve, and the principal part of the cavalry still farther in the rear. Warren's and Webster's commands were intrusted with the defence of Saltillo and a redoubt near; and one gun, with two companies of riflemen, was left to defend the train and head-quarters. Thus Taylor's small force was reduced still smaller in the numbers that could be employed directly against the enemy, from the wide intervals between the points he had to hold, against forces in front, on both flanks, and in his rear.

Santa Anna divided his army into three columns; one of which was to carry Washington's battery and force the pass; the other two were to combine and turn Taylor's left; and, beside these, he had an excellent force in reserve. He had twenty guns, three of them twenty-four-pounders, three sixteens, and five twelve-pounders, with one seven-inch howitzer. Before attempting to attack the Americans he sent by a flag of truce a very remarkable note, summoning Taylor to surrender, and avoid being routed and cut to pieces: to which that matter-of-fact commander replied, with great brevity, that he "declined acceding to his request."

It was on the 22nd of February, and in honour of the day the word was "The memory of Washington." Not till the afternoon did the action commence; and then, Lieutenant O'Brien having been sent to strengthen the force on the plateau, with part of Washington's battery, on a signal given, the skirmishers on the extreme right of the Mexican line, under Ampudia, rapidly ascended a ridge of the mountains, attempting to outflank the Americans, whose riflemen imitated their movement, and climbed nearly to the summit; but, being more accustomed to such fighting, they made great havoc amongst the enemy, whose skirmishers did not resort to any cover, and fired in volleys. This desultory combat continued till nightfall: and, with a faint cannonade directed against the plateau, constituted the whole of the first day's fight. Taylor immediately departed for Saltillo, fearing for its safety; and Santa Anna, having addressed his troops, inflamed their ardour by the performance of choice music.

At day-break on the 23rd, General Wool being still in command, the Mexicans renewed the attack, which had been suspended at the close of the previous day; and Lieutenant O'Brien's guns admirably seconded the defence of the American riflemen. The eight-pounder battery also opened on the troops stationed on the plateau. Soon the two great columns of attack, under Pacheco and Lombardini, advanced, winding up the ravines that led across the American left front; checked for a short time by O'Brien's guns, which he turned against them, they nevertheless swept on, drove the Indiana volunteers before them in total confusion, and captured one of O'Brien's guns. These

inexperienced soldiers had been placed so that the eight-pounder battery of the enemy, on their left flank, completely enfiladed their line; and had the skill of the gunners equalled their opportunity, not a man could have escaped. The Illinois volunteers next encountered this huge wave of combatants, and after a gallant resistance, to avoid being surrounded, fell back as steadily as if on parade. The Arkansas volunteers, who should have assisted their brothers of Illinois, broke at the first fire, and only a few more daring individuals were seen again during the battle.

In the meantime, the other column of attack had advanced by the road through the gorge full against Washington's battery, which was now protected by a breastwork thrown up in the night. Notwithstanding its numbers, and although his battery had been reduced to five pieces, from the necessity of increasing that arm upon the plateau, so well were his guns laid and served, that he completely crushed that imposing display of force, and drove the survivors of his energetic cannonade for shelter into the ravines leading to the plateau; up which the middle column under Pacheco had marched.

And now Sherman and Bragg brought up their guns to the plateau, and supported by various regiments, Kentucky, Illinois, and other volunteers, and as the double column of the enemy pressed on, the cannonade on both sides was maintained with the utmost fury; but, under cover of this advance, the Mexican cavalry succeeded in turning the left of the American line, cutting off the riflemen who had kept up their contest with Ampudia's command, although he had gained the summit of the ridge, and outflanked them. Seeing themselves surrounded thus, the riflemen abandoned their position, and bursting through the enemy's column, though with great loss, contrived to rejoin their compatriots on the plateau. Other companies of the volunteers broke and fled before the steady onward march of the Mexican columns, and it seemed impossible to retrieve the fortune of the day.

But at this juncture Taylor returned from Saltillo, and his presence reanimated the army. He brought with him the riflemen of Mississippi, under Colonel Davis, who by sheer impetuosity and courage threw into confusion and hurled back the division of Ampudia, which was now getting into the rear of the plateau. The cavalry under Yell and Marshall, too, held in check for some time the Mexican cavalry, which had made its way across ravines, and over most difficult country, quite into the rear of the American position. And meanwhile General Wool exerted himself to rally the broken and dispersed regiments, but without much success; for the greater number continued their flight, and carried to Saltillo the false tidings that Taylor was defeated, and the army in full retreat.

Four guns were now withdrawn from the centre, and sent into the rear to assist in repelling the Mexicans in that quarter; and it was time, for their cavalry had reached the *hacienda* of Buena Vista, and, although bravely attacked by the slender guard of that place, was only in part checked, until Lieutenant Reynolds came up with his guns, and drove those who had penetrated the *hacienda* quite through it, and across to the mountains on the west. And now occurred one of the most brilliant incidents in the whole battle: another brigade of cavalry, accompanied by infantry, came up at a point nearer to the American



rear than the brigades whose defeat we have just spoken of, and to meet it there were only parts of the regiments of Mississippi riflemen and Indiana volunteers, with one howitzer. This handful of men was drawn up in two lines, forming an obtuse re-entering angle, with the howitzer on the left; and so they awaited the approach of the enemy. But instead of quickening their pace as they drew nearer, as if daunted by the firmness of those few men who were drawn out in front of them, they checked their speed, and at last *halted* when they came exactly within the cross fire of the two lines. Not a trigger had been pulled, but as soon as they stopped, "the pieces came down on both faces of the American line, as if swayed by the same hand. For a moment their muzzles moved slowly about, as each man felt for his aim;" then flashed out two sheets of flame, and scarcely was the report of that double volley heard, than horses and men overturned in confusion, steeds flying riderless, and the whole column broken into frightful disorder, told a new tale of defeat. Before the remnant could recover from the shock of this discharge, rapid file-firing, and grape and canister from the howitzer, swept them away bodily to the mountains.

On the left the tide of victory was fully turned; and as the Americans now advanced, the Mexicans, in miserable disarray, all arms being mixed together, were driven into a ravine, from which escape seemed impossible, while nine pieces of light artillery of the victors played relentlessly upon the mass. Not a man could have escaped, had not Santa Anna at this very instant sent a flag of truce to General Taylor, "desiring to know what he wanted!" And as Taylor ordered a suspension of hostilities (although the Mexican batteries continued their fire), the Mexican general drew off his shattered troops in safety.

Taylor's line was now, however, enfeebled by the transference of so many men and guns into the rear; and as Santa Anna's reserves had not yet been engaged, he prepared to bring them into action, and make himself master of the day. "Taylor had with him three regiments and four pieces of artillery. His front was rather towards the mountain than the open pass, while his back was towards the road along the stream. On his right was the whole Mexican army; on his left, far off in the rear, were the troops that had repulsed and cut up the Mexican column, and the great effort, upon the success of which all depended, was to bring these dispersed squadrons again into action, whilst he maintained the position against the assault of the fresh reserves. As Santa Anna advanced with his inspirited columns, he was met by regiments of infantry, which stood firm until, overwhelmed by numbers and driven into a ravine, they were cruelly slaughtered. After the American infantry had been overcome, the last hope was in the artillery, and with this the Mexican advance was effectually stopped and the battle won.

"The whole day had been spent in fighting, and when night came the field was covered with dead. It was an anxious season for our battered troops, and, whilst all were solicitous for the event of a contest which it was supposed would be renewed on the morrow, the greatest efforts were not only made to inspirit the troops who had borne the brunt of two days' battle, but to bring up reinforcements of artillery and cavalry that had been stationed between Saltillo and Monterey. At day-dawn, however, on the 24th, the enemy was found to have retreated."

No one could relate the horrors of that retreat : the sick, the wounded, the dying, and the dead were abandoned at every step. The Americans were too few in number, and too much exhausted by the conflict, to allow a pursuit ; and there were the dead to be buried and the wounded to be cared for. An interchange of prisoners was arranged with the Mexican general ; and Miñon and the *rancheros* under Urrea, whose exploits had not been of a kind to compensate for the defeat, were withdrawn. The total loss of the victors was, amongst the regulars, eight killed and fifty-three wounded ; amongst the volunteers, two hundred and sixty-four killed, three hundred and thirty-five wounded, and six missing :—in all, six hundred and sixty-six killed, wounded, and missing. The Mexican loss was about two thousand five hundred, in killed and wounded ; whilst in missing, and deaths during the retreat, their own authorities say that at least ten thousand five hundred more were lost. They captured three guns in the battle, but they were defeated, completely and disastrously. By the middle of March the American communications were completely restored ; and the northern frontier of Mexico was indisputably their own.

We must now direct attention to the west again, where we saw General Kearney proceeding from New Mexico to California. In accordance with his order, after he had departed (and, learning that California had been won, sent back the greater part of his force to Santa Fé), Colonel Doniphan marched against the Navajo Indians, for they “had threatened to make war upon New Mexico, which was now under our protection.” His demonstration was successful, and on the 22nd of November, 1846, a treaty was concluded with them. Reassembling his troops at Val Verde, in the middle of December he set out on a further undertaking committed to him by Kearney,—the conquest of Chihuahua. Like every other march in this war, the sufferings of the men were intense, from the difficulty of carrying provisions with them, and the impossibility of obtaining them upon the route. On the 26th he encountered a more numerous force at Brazito, and repulsed it by means of the superior skill of his volunteers as riflemen. Three days later another engagement took place, a force of nearly four thousand men opposing his passage through the pass of the Sacramento. Doniphan won an easy victory, the enemy fleeing almost as soon as his riflemen got their range, leaving three hundred dead and as many wounded, all their guns and stores, and forty prisoners ; whilst the Americans lost but one man killed and eight wounded, one of whom afterwards died. It is difficult to say whether the routing of such miserably inefficient troops reflects glory on the American arms or not. Chihuahua soon fell into Doniphan’s hands ; and there he rested his toilworn band for six weeks ; and as soon as spring came continued his march till he reached General Taylor’s encampment, near Monterey.

Colonel Price had been left in command at Santa Fé ; and whilst Doniphan was pushing his way thus victoriously through Chihuahua, a conspiracy was formed amongst the Mexican and *mestizo* population of New Mexico against their conquerors. “On the 19th of January, 1847, massacres occurred simultaneously at Taos, Arroso Hondo, Rio Colorado, and Mora. Price received intelligence of this onslaught on the 20th, and, rapidly calling in his outposts, marched with a hastily-gathered band of about three hundred and fifty men



against the enemy, whom he met, attacked, and overawed, at Cañada, on the 24th. Reinforced by Captain Burgwin from Albuquerque, he again advanced against the insurgents; and on the 28th defeated a Mexican force, estimated at fifteen hundred, at the pass of the El Embudo. Passing thence over the Taos Mountain, through deep snows in mid-winter, the resolute commander pursued his way unmolested through the deserted settlement, which had been recently ravaged by the rebels, nor did he encounter another force until he came upon the enemy at Pueblo, when he stormed the fortified position and gained the day, but with the loss of the gallant Burgwin and other valuable officers. Mora was again reduced to subjection early in February by Captain Morris; and in all these rapid but successful actions it is estimated that near three hundred Mexicans paid the forfeit of their lives for the cruel conspiracy and its fatal results." This outbreak of course overturned Kearney's civil government, and the province remained under military law till the establishment of a territorial government by Congress.

Following Kearney to the farthest west, we find him, on the 2nd of December, 1846, at the frontier of California. "Pursuing his way, he was met on the 5th, near San Diego, by Captain Gillespie [the *quasi* "business" traveller we have seen before], sent to him with thirty-six men by Commodore Stockton, now acting-governor of California. A corps of the enemy was near. The next morning the general, expecting an encounter, mounted his little party on the jaded beasts they had ridden from Santa Fé, a thousand and fifty miles, and at day-dawn went forth to San Pasqual, where he engaged a hundred and sixty mounted Californians. The Americans were victorious, but Kearney was twice wounded, and more than half the officers were either killed or wounded, with nineteen of the men." On the next day, with diminished numbers, the Americans again repulsed the enemy; and on the 8th their camp was beleaguered, till on the 10th a hundred and eighty sailors and marines, sent by Stockton, relieved them. And on the 12th they safely reached San Diego.

"On the 29th of December, by Commodore Stockton's request, General Kearney took the command of five hundred marines, with the land forces, and marched to the vicinity of Ciudad de los Angeles, to quell a rising of the inhabitants, backed by an army of six hundred, under Generals Flores and Rio. These forces were met and defeated at San Gabriel, on the 8th of January, 1847, and on the 9th were again fought and routed at the Mesa. They then marched twelve miles past Angeles, to Cowenga, where they capitulated to Colonel Fremont, who with his battalion had now arrived at that place. Commodore Stockton, on January the 16th, commissioned Colonel Fremont as governor; he discharged the functions until the 1st of March, when General Kearney, according to his orders, assumed the office and title of Governor of California." "By direction of the War Department, General Kearney placed Colonel Mason in the office of chief magistrate of California; and on the 16th of June, 1847, he took his way homeward across the Rocky Mountains by the South Pass, being accompanied by Colonel Fremont," and others, "to the number of forty. On the 22nd of August the party was at Fort Leavenworth."

Here Fremont was arrested, "and at Fort Monroe, on November the 3rd, he appeared before a highly respectable court-martial, charged with mutiny,

disobedience, and disorderly conduct. After a long trial, the court pronounced him guilty, and sentenced him to the loss of his commission; but the majority of his judges, in consequence of his professional services, and the peculiarity of his position, arising from the disagreement of his two superiors, recommended him to the clemency of the President. To these petitions Mr. Polk replied, that, [in short,] he approved the decision; but on account of the peculiarities of the case, and of [Fremont's] previous meritorious and valuable services, the penalty was remitted, he was discharged from arrest, and directed to report for duty. Fremont in his defence had manifested an embittered feeling against the administration,—chiefly that the charges against him had been sustained, and the prosecution ordered. He now refused to accept of clemency, on the ground that this would be admitting the justice of the sentence. His connection with the army was, therefore, at an end."

With the victory of Buena Vista the northern frontier of Mexico ceased to be the seat of actual hostilities; and as soon as General Scott was placed in supreme command, Taylor's duties were of a subordinate character; he soon, therefore, returned home, leaving his second in command, General Wool, in charge of the province their joint labours had won. There had been a time when the war had lost its interest and popularity in the United States;—this was before the fall of Monterey. During the long interval in which no progress was made, and Palo Alto and Resaca de la Palma—which were rather promises of glory to be achieved than actual achievements—seemed likely to remain the only successes to repay vast expenditure, prodigious sacrifice of human life, and the unconstitutional confidence which the nation had reposed in its chief magistrate,—the Northern opposition to the war, and to the administration on account of it, regained strength; and the majority against the President in the thirtieth Congress, which was elected just then, accurately marked the degree to which Polk's aggressive and acquisitive democracy had lost the favour of the people. The capture of Monterey enabled it somewhat to recover its position; but then followed another interval of inaction; and as the real object of the war gradually became plain, in spite of the President's explicit disavowal, and the questionable character of the proceedings of the administration in respect of the war became known,—although subsequent victories might throw a halo round the war itself,—it was but too apparent that the *prestige* of the party which had forced it upon the country had, for a season at least, departed.

The Whigs in Congress cannot, however, be acquitted of factious opposition to the administration. They had, we saw, joined in the declaration of war, and had (evidently for fear of losing their hold upon the people) assisted in carrying out measures which they denounced by every epithet which excited political oratory could appropriate or invent. Now, looking still to the interests of their party, they temporised, and debated, and procrastinated, and appeared to consider the loss of their own character for statesmanship amply balanced by the obstruction of the President's plans. Our limits forbid our entering into much detail. We can only name the "Three Million Bill," the "Ten Regiment Bill," the "Wilmot Proviso," and the Lieutenant-Generalship, as illustrations of what we have alleged, and as topics which the history of Congress, at



this time, proves to have furnished occasion for more than the usual amount of battology. The internal affairs of Mexico we must quite pass over; and hasten now to the last and conclusive movement of the war—the expedition to Vera Cruz.

How Tampico was taken we said; we may add that Tabasco likewise fell before the fleet of the United States, but not bloodlessly. Some slight advantages the Mexicans could boast; but they were indebted for them to accident, or to the neglect of their antagonists, rather than to their own skill, courage, or judgment. These, with other minor matters, we have not sufficient space to notice particularly.

It was in November, 1846, that General Scott finally sailed for Brazos San Jago, to superintend in person the setting out of the expedition he was to command. There he recalled from the “army of occupation,” as we said above, almost all the regulars, and so large a proportion of the volunteers, that it was incapacitated for initiating any movement against the enemy, and almost for resisting the movements of the enemy against itself. And as if to add to the difficulty, it chanced that the despatches which were to have informed Taylor of the plan of campaign which had been arranged for Scott fell into Santa Anna’s hands, and undoubtedly encouraged him in his design of marching against the weakened army in the north, in the hope of driving it beyond the Nueces in time to enable him to return and make head against the new danger which menaced the south of the republic. The result of this we have already related.

Lobos, an island to the south of Tampico, and not much more than a hundred miles from Vera Cruz, was the rendezvous appointed for the armament which was to be thrown upon the coast at the nearest point to the capital. And there, in the beginning of March, 1847, were collected above twelve thousand men, and a fleet of a hundred and sixty-three vessels to transport the army, with its guns, stores, and equipage of every kind, to its destination. On the 7th of March the embarkation was effected; and two days afterwards, the whole force was landed, without the loss of a man, at the island of Sacrificios, in close proximity to Vera Cruz. On the 18th, having vainly summoned the city, Scott broke ground before it; and on the 22nd, the investment being completed, and another summons rejected, the bombardment began. Aided by the fleet, which co-operated most effectually with the land forces, Scott maintained for four days, and as many nights, such a frightful rain of fire upon the place, that it was almost converted into a heap of ruins; and the loss of life was enormous.

Three thousand shells, weighing ninety pounds each, and as many round-shot, chiefly thirty-two pounders, were thrown into the city during this bombardment. The Mexicans, whose garrison barely exceeded a thousand in number, displayed spirit enough in their resistance; but they were unprovided with artillery fit to cope with that of their assailants, and they ought to have been five times as numerous fully to man the batteries and the citadel. On the evening of the 24th, a joint note was addressed to Scott by the French, Spanish, and British consuls, requesting him to suspend hostilities long enough “to enable their respective compatriots [*neutrals*, be it remembered] to leave the place with their women and children, as well as the Mexican women and

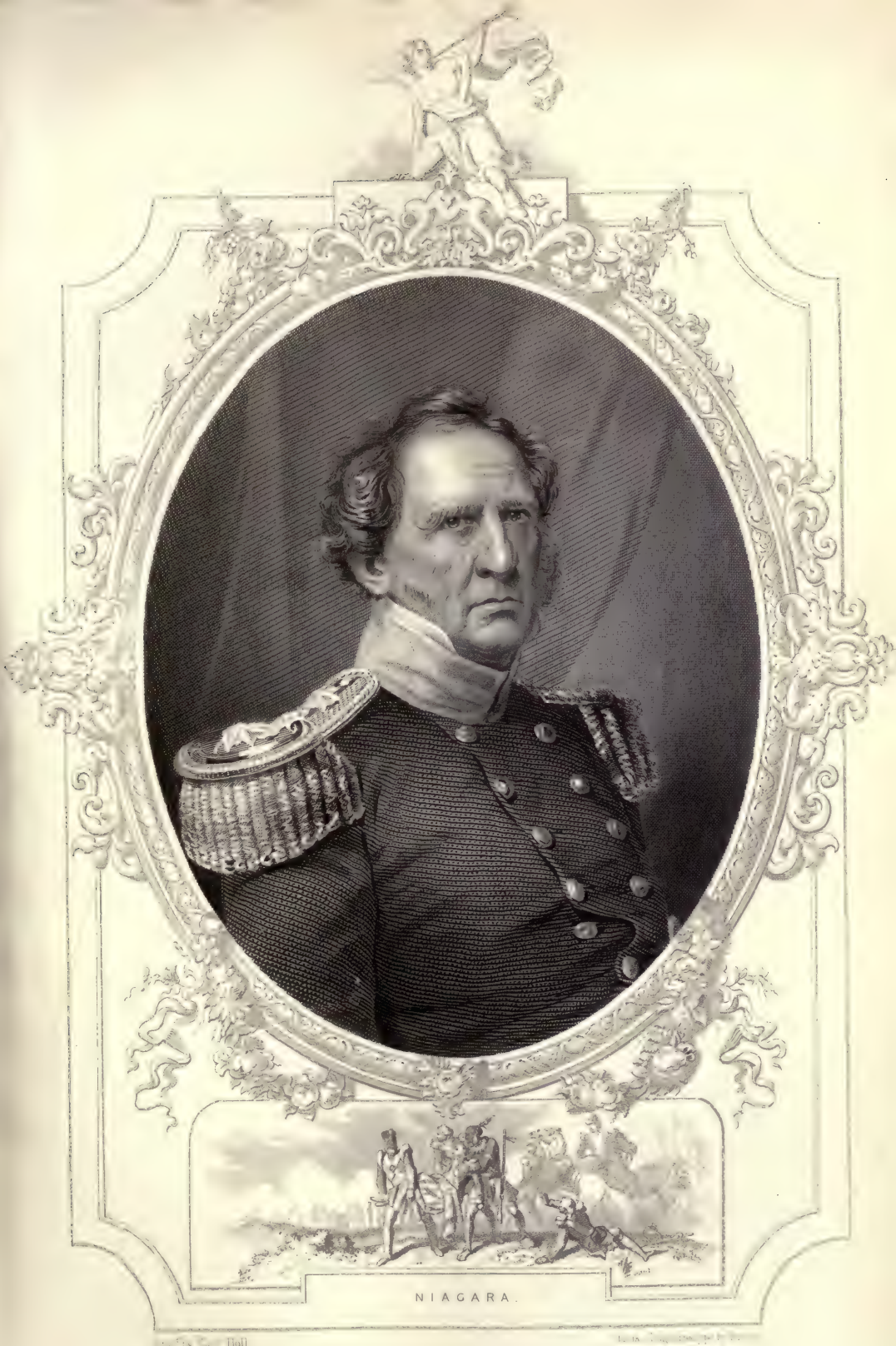
children." "The next day, the 25th, General Scott sent to the consuls a peremptory refusal of their request;—the neutrals might have left the place before the bombardment; and as to the Mexican women and children, his summons to the city had been disregarded, and now no truce would be allowed apart from surrender." We quote from the account of one of the reviewers of the war; who adds the following comment, the justice of which seems to be admitted by the hesitating manner of writers on the other side, when they speak (as Ripley, for example, does) of its being "very questionable" whether "humanity might have been favoured by taking the town by direct assault;" which could have been done, with greater loss to the assailants but without the slaughter of "non-combatants," women and children and neutrals.

"Some excuse," says our author, "for this stern denial of mercy to foreigners, and to innocent women and children, might have been found, if the capture of the city would have been hazarded by the intermission of a few hours of the fiery deluge which was overwhelming it. But Scott well knew that he had it in his power to reduce the whole city to one mass of ruins. So also, had a reinforcement of Mexicans been approaching, a motive would have existed for compelling a surrender before their arrival; but the beleaguered city had no hopes of relief, and the position and force of the American army precluded the possibility of succour. Scott's army, moreover, were so safely ensconced in their intrenchments, that he had no reason to fear that the boon that was asked would prove injurious to the assailants; since in his operations against the castle and city, his total loss out of twelve thousand men did not exceed sixty-five killed and wounded. *Before* replying to the consuls, he wrote to the Secretary of War the same day,—'All the batteries are in awful activity this morning. The effect is no doubt very great, and I think the city cannot hold out beyond to-day.' Hence, by his own confession, and by the fact that the city did surrender on the 26th, the slaughter of women and children, occasioned by the 'awful activity' of his batteries during the whole of the 25th—there being then a 'full supply' of shells—was utterly unnecessary."

Four hundred of the garrison were killed, and six hundred were wounded; four or five hundred of the inhabitants had perished; and after some negotiation, the terms of surrender were arranged, and on the 29th, both city and citadel were given up to the invaders; the army marching out with the honours of war, and (with the exception of the officers) laying down their arms at a place appointed, and they were bound not to serve again in the war until regularly exchanged; all the public stores, &c., in the place were delivered up to the victors, but perfect protection was guaranteed to the inhabitants.

Leaving a small force to garrison this his first conquest, as soon as he had provided for the resuscitation of the commerce of the port, captured the ports of Alvarado and Tlacotalpam, and given orders that Tuspan should be taken on the 8th of April, Scott took the road to the Mexican capital with the greater part of his army, arriving at Plan del Rio on the 14th. He had learned that Santa Anna, having collected what force he could, had taken up a position in advance of Jalapa, at the pass of Cerro Gordo, with the determination to stop his progress; and he hastened his march that he might prevent delay or a change of route, either of which might be as injurious as a defeat.





Engraved by T. B. Hall

Painted by George Catlin

Winfield Scott.





After several reconnaissances, by which he fully ascertained the strength of the Mexican front, Scott resolved to cut a passage through the thick chapparal on his right, so as to turn the left flank of the enemy, whose care had been confined to obstructing the main road. To mask this movement General Twiggs was ordered, on the 17th, to advance against a fortified position, on a steep ascent, almost directly in front of the main intrenchment. This was carried by Colonel Harvey, with the rifles and some detachments of infantry and artillery, and a heavy gun having been dragged up to the height, a demonstration was made against another fort in its rear. Early on the next morning the troops moved forward in columns to make a general attack on the enemy's line. Pillow's brigade assaulted the right, but was compelled to retire; and it was of the less moment, because this was not the key of the position. Twiggs's division stormed the centre, carried the fortifications, and cut them off from support; while Riley's brigade drove the main body of the Mexicans into complete rout, and turned their own guns upon them as they fled. Shield's brigade, in the mean time, assaulted and carried the battery in the rear of the enemy's left, and deprived them of the opportunity of rallying.

The victors lost sixty-four killed, and three hundred and fifty-three wounded; and twenty-one of them died afterwards. The loss of the vanquished in killed and wounded was never known, but the Americans took three thousand prisoners, amongst whom were five generals, four or five thousand stand of arms, and forty-three pieces of artillery. Santa Anna himself with great difficulty escaped to Brizava; yet in a very short time he had collected the shattered remains of his army, and before the end of a month awaited the conquerors at Puebla.

Scott's army advanced, immediately after their victory, on Jalapa and Perote, which were abandoned to them without a blow; the latter on the 22nd of April, and with it a vast accumulation of warlike stores. At Amozoque they were unsuccessfully attacked by Santa Anna; and on May the 22nd, Puebla submitted to General Worth, whilst the Mexican forces retired upon the capital. This failure to retrieve the disaster at Cerro Gordo kindled anew the flames of revolution in Mexico; but neither does our space permit us to narrate the manifestations of this spirit of anarchy, nor is the lesson to be learned from them one required by those who read these pages. In one point only were all the parties and factions of this hapless country still agreed—that the Americans were to be opposed to the last; and that it would be treason to the country to treat with the United States so long as its army remained in the territory of Mexico. How vain both resolves were, events before long made clear to all.

Puebla now became the head-quarters of Scott's army; and here that general remained until the beginning of August, in part because of the necessity of recruiting his troops, and in part because the United States' government renewed their overtures of negotiations to the government of Mexico, as soon as the news of the victory at Cerro Gordo reached Washington. But this long halt grievously tried both the health and the *morale* of the army. The numbers in hospital were unprecedented, when the total strength of the forces is taken into consideration, amounting sometimes to a fifth, and even

to a quarter of the whole ! And in spite of all that was known of the anarchy of the Mexican government, and although the Mexican army had never appeared in front of the Americans except to be beaten, as many as seventeen hundred deserters were reported in less than twelve months from the time of landing at Vera Cruz,—a fact which indicates a vital deficiency in the military system of the United States ; and to the discovery of which the constitution of the regular army (its not being made up of native Americans, especially), and the low class of the body of volunteers, may perhaps assist those whose concern it ought to be, to find it out and remedy.

Of the efforts to open a negociation with Mexico, we need not speak in detail, since both now and at an earlier period they were unsuccessful. But it is lamentable to see a nation, which has the right on its side with regard to the quarrel it is engaged in, which knows this, and has the spirit after such great reverses to refuse to acknowledge itself worsted,—it is lamentable to see this nation unable by the vigour of its government, of its commanders, of its army, or by any means whatever, to demonstrate the justice of its cause. And this may suggest to us the grave consideration, which we shall find more forcibly impressed upon us by subsequent events, that in this war, just as in the extermination of the aborigines of North America, the United States was, in fact, “the scourge of God,” with this rare and awful peculiarity, that, like the devastator of ancient Rome, it was more than half conscious of having been intrusted with so frightful a commission.

Having at length been well reinforced, although he left behind him above two thousand men in hospital, on the 7th of August Scott took the road to the capital of Mexico ; and in four days the advanced division reached Ayotla, about fifteen miles from the city of the Montezumas. By this route, however, it was soon discovered that Mexico was inaccessible ; a new road was therefore constructed, to the south of that running direct from Vera Cruz ; and between the 15th and the 18th of the month, the army had rounded Lakes Chalco and Xochimilco, and reached San Augustin, on the Acapulco road, only eight miles distant from the object of its long journey. Nothing can better show the exhaustion of the military power of the government than this daring march of less than eleven thousand men so far into a country peculiarly favourable to guerrilla warfare, and in which no amount of contributions which might be levied could compensate for the destruction of its communications with the sea and its fleet. The attempts made to employ this means of annoying the invaders only the more emphatically proclaim this fact.

Yet the most astonishing efforts were made to defend the capital. On every road approaching it were strong earth-works and batteries, and around the city itself was a complete girdle of intrenchments. There was scarcely a sufficiency of artillery, and the disposable troops were not above twenty thousand in number ; the services of some ten thousand armed citizens might perhaps be reckoned upon, in addition to the army ; and although the lines were long, the invading force was too inconsiderable to make this of great moment. More remarkable, however, than any other fact regarding this defence was this, that, with the exception of the arms and guns saved from the defeats we have recorded, the equipment of the troops now collected for the preservation of



the capital was the work of the foundries and factories of the country itself; the peril of the commonwealth, and the destruction of its foreign commerce, having called forth its energies, and made it evident that the source of the evils which had afflicted the land, was not that it did not furnish its people with the materials for maintaining their independence, nor that the people were not sufficiently quick-witted to employ them under the pressure of an adequate motive, such as now was this American invasion. Had Mexico but discovered what the true source was, not even the accumulated woes of this invasion could have depressed her long!

Santa Anna's plans, as he stated them after the battle was lost, appear to have been arranged with greater skill than he had shown before. It was his design to have fallen back before the American advance, and given battle on ground he had chosen, and in which his numbers would have told with effect upon the comparatively small army of the invaders. But the gross disobedience of General Valencia disconcerted the whole plan. As if he had determined to seize the first opportunity of attacking the Americans, in entire forgetfulness of the first duty of a subordinate commander, and in spite of the untenable character of the ground about Contreras (or Padierna), he left his position at Coyoacan and San Angel, and advanced to Contreras, and on the heights there intrenched himself, not only without any orders from Santa Anna, but without so much as consulting him respecting the movement. By this means he weakened the force opposed to Scott's direct advance, and at the same time he could not prevent that advance, because the nature of the ground in his front neutralised the menace of his position on Scott's flank.

The American commander, nevertheless, considered it safest to dispose of Valencia's force in the first instance; and, accordingly, having sent Worth with Harney's cavalry to menace San Antonio, Pillow's division, consisting of Pierce's and Cadwallader's brigades, was despatched against Contreras, on the left, across the Pedregal, which consisted of fields of lava, that had flowed in remote times from some now extinct volcano near, and was for the most part impassable, except by a solitary mule-track, on account of the ruggedness of the surface, and the deep chasms filled with water, or with the thorny *maguey*, that intersected it. Twigg's division covered the party which was engaged in making a road over this rugged and difficult tract.

On the afternoon of the 19th of August these two divisions arrived within range of Valencia's guns; and the small field-batteries of Magruder and Callender were with great labour brought into play against them, whilst the front was extended to the right in such a manner that, by the aid of Morgan's regular infantry and Shield's volunteers (which were sent to reinforce them at sunset), the *rancho* of Ansaldo was carried, and Valencia's communications threatened. Amid the darkness and rain of the night, which rapidly fell upon the field, and terminated the conflict for a short time, General Persifer Smith proposed a plan for the assault of Valencia's camp, which Captain Lee, of the Engineers, toiling alone across the perilous lava-field, through the impervious gloom and storm, communicated to General Scott, and obtained his approbation for the trial of it.

Led by Colonel Riley, and followed by Cadwallader's and Smith's brigades,

the Americans set out at about three o'clock in the morning of the 20th, through the rain and mud, and by sunrise reached an elevation in the rear of the Mexican position, from which they were able to attack the intrenchments with such advantage that in seventeen minutes they were carried. Scott had sent Twigg's division against the works in front, to effect a diversion, if it should be required; Smith's own brigade discovered and routed a mass of Mexican cavalry; while Shield's not only held other masses in check, but captured great numbers of fugitives from Contreras. The conquerors had about four thousand five hundred men engaged in this brilliant action, whilst the enemy numbered about six thousand, and Santa Anna with double that number was sufficiently near to have shared the fight. They lost about seven hundred killed, and about eight hundred prisoners, including four generals. The Americans captured twenty-two brass guns (two of which had been lost at Buena Vista), many thousands of muskets, several colours and standards, great quantities of ammunition, and about a thousand mules and horses. Their loss will be mentioned below.

But the victory of Contreras (or Padierna, or Ansaldo) did not suffice the American commander's appetite for glory, nor his army's capability of toil in a single day. Whilst these divisions were engaged on the left, Worth, by a skilful and daring movement on the right, had turned and forced the enemy's strong position at San Antonio, and then advanced directly upon the *tête de pont* at Cherubusco, whilst the other divisions hastened to the same point from the field of Contreras. Pierce and Shield crossing the Rio de Cherubusco by a bridge on the left, turned the position, and engaged Santa Anna's troops, whilst Twigg assaulted and carried the works round the church of San Pablo, and Cadwallader, Worth, and Pillow were engaged with the *tête de pont* itself. At every point the contest was most furious; but the Mexicans again proved themselves unable to cope with the soldiers from the north: at every point the Americans triumphed, and the dragoons chased the flying foe to the very gates of Mexico.

No returns show the losses experienced by the enemy in killed and wounded in these obstinate conflicts; but nearly sixteen hundred were taken prisoners, including three generals. Seven field-pieces were captured, with some ammunition, and one standard. The Americans lost in all the battles of the 19th and 20th of August, in regulars and volunteers, a hundred and thirty-three killed, and eight hundred and sixty-five wounded, of whom thirty-one died afterwards. And this was the most sanguinary of all the engagements in the whole course of the war; but it was withal one of the most decisive.

Now, therefore, was the time for negociation; perhaps the Mexicans had been sufficiently beaten to be willing to accept the proposal to buy the northern half of the territory of the republic, as well as consent to the annexation of Texas. At his head-quarters at Tacubaya, full in view of the capital of the enemy, and only three miles distant from it, Scott arranged an armistice, with a view to a treaty; having enforced the offer by the alternative of an assault, which no one doubted must have been successful. Some pause, too, was desirable for his own men, after so long a march and such severe engagements. And for several days after the 24th of August, the commissioners appointed by the two parties attempted to ascertain the existence of some



ground of agreement, whence they might start in drawing up the articles of a final treaty.

But the American general felt bound to require the utmost that his government had indicated its intention to acquire; and the Mexicans were embarrassed, not only with the absurd vanity of hoping to appear unsubdued, but yet more unhappily by the varied and conflicting policies of the parties into which the republic was split; and there was little prospect of arriving at any conclusion, whatever time or patience might be given to the discussion of the points at issue between the nations. There were also at work other feelings which forbade the hope of concluding a treaty now; we do not wonder that the *leperos* of Mexico should rise against the plan for provisioning the invader's army from the city; but it was plain that Santa Anna did not even now despair concerning the commonwealth; and the negotiations seemed to be prolonged, simply to give him time to make one more stand for his country's cause.

Considering merely the justice of that cause, and the honour that belongs to one who to the end *believes* his country invincible, we might not blame the great Mexican chieftain. But, alas! it had been too fatally demonstrated that invincibility was the attribute of the Americans, not of the Mexicans. Under whatever circumstances the engagements between the armies had taken place, victory had always declared in favour of the star-spangled banner. Against the most fearful odds, against every advantage of ground as well as numbers, the Americans had fought and conquered. And now they had penetrated from the coast into the heart of the land, in spite of the best-planned opposition; and though decimated by battle and by disease, and out-numbered by the very wreck of the Mexican armies, they were then negotiating—in fact, dictating—a peace in sight of the gates of Mexico. It was infatuation amounting to criminality, which now risked further effusion of blood. In old times, when

"Heaven smiled approval on the conquering cause,  
But Cato on the conquered,"

the manner in which Cato testified his unshaken constancy was by killing himself, not by sacrificing his country's last surviving soldiers. A heathen fashion, truly, yet heroic rather than that which Santa Anna followed.

During the armistice it was reported that he had strengthened his fortifications, although he had stipulated not to do so, cast some huge church-bells into cannon, and organised what remained of the armies that had been raised for one more effort against the invaders. Scott had employed it also in such drilling and military exercise of his troops as their position rendered possible; and put into serviceable condition the artillery he had captured, and refilled his exhausted ammunition waggons from the stores which his victories had put into his power. He had no need to strengthen his position, for his object (if peace was not negotiated) was not to maintain the ground he occupied, but to take that of the enemy; and we do not hear of his receiving any reinforcements from the coast. Neither did he suffer any hostile reconnaissances of the positions occupied by Santa Anna's troops; but as they were not much more than a mile from Tacubaya, *perhaps* none were requisite to give him all the information he required.

On September the 6th, the armistice having lasted for a fortnight, and no fruit appearing in the form of a treaty, General Scott notified to Santa Anna his acquaintance with the infractions of the armistice we have mentioned, and demanded satisfaction on account of them before noon on the following day, under pain of declaring the suspension of arms at an end, and proceeding with hostilities forthwith. The reply, which was sent on the 7th, accepted the latter alternative, and announced the resolution to try the fortune of war once more. And before night Scott's plan of action was fully matured.

Having ascertained that the western side of the city seemed to be less strongly fortified than the south side, he determined to assault it by a flank attack. But there lay directly in the line of operations, on this plan, three strong positions—El Molino del Rey, La Casa Mata, and Chapultepec, the latter a castellated height, which under ordinary circumstances could only have been reduced by a regular siege. Nevertheless, knowing the quality of his own men, and the inefficiency of the enemy, he expected to carry it, as well as the rest, by assault, and gave orders accordingly; the "King's Mill"—El Molino del Rey—being the first point to be carried.

Early in the morning of the 8th, the different sections of Worth's division took post at the spots assigned to them, and as soon as dawn appeared Huger's twenty-four pounders thundered against the walls of the old mill, prelude to the assault on the advanced battery, which was effected in so gallant a style by Wright and Smith, that, in spite of the grape and canister showered upon the attacking column, in spite of a desperate rally on the part of the foe, and a struggle in which eleven out of fourteen American officers fell, the place was taken, and the guns in it turned upon the fugitives, who rushed in the wildest disorder to the forts. "In the meanwhile Garland's brigade, sustained by Drum's artillery, assaulted the enemy's left, near the Molino, and after an obstinate contest drove him from his position under the protecting guns of Chapultepec." The American guns, being advanced to the position which had been carried, made dreadful havoc amongst the flying foe.

"While these efforts were successfully making on the Mexican centre and left, Duncan's battery blazed on the right, and Colonel Mackintosh was ordered to assault that point." But the Casa Mata "proved to be a massive stone work, surrounded with bastioned intrenchments and deep ditches, whence a deadly fire was delivered, and kept up without intermission upon our advancing troops, until they reached the very slope of the parapet surrounding the citadel." Here they were mowed down with frightful slaughter by the guns of the fort, and were compelled to withdraw to the left of Duncan's battery, where the remnant of the column re-formed in readiness for another assault.

An attack threatened by the Mexican cavalry on the American left was now repulsed by artillery and the mere appearance of the American dragoons; while new efforts were made against the Molino, that soon yielded to a desperate charge, led by Buchanan and M'Kenzie on one side, and Anderson and Ayres on the other. All the guns were now brought to bear on the Casa Mata; and the garrison, cut off from all support, and exposed to a most destructive cannonade, evacuated it. Two attempts to rally and lead their men on, for the recovery of the positions that had been lost, were made by the Mexican com-



manders; but they could not stand before the terrible fire of the American guns; and by nine o'clock in the morning the battle was over.

Scott forbade all pursuit, though Worth begged his permission to follow up the victory; and, after blowing up the Casa Mata, the conquerors were marched back to Tacubaya to prepare for another conflict on another day. The entire number of Americans engaged did not exceed three thousand five hundred; whilst the enemy's force was reckoned at ten thousand, most of whom were posted behind strong fortifications. The American loss was a hundred and twenty-four killed, and five hundred and eighty-one wounded, of whom sixty-seven died afterwards; but other accounts represent the total of killed and wounded at being eighty-two higher. They captured four guns and a great number of small arms, with ammunition, and eight hundred prisoners. The loss on the other side was never ascertained, but it is known that two generals were killed.

After new reconnaissances of the southern approaches to Mexico, and of Chapultepec, by which Santa Anna was completely thrown off his guard, measures were taken for the assault of the fortress, on the 13th of September. Three batteries were constructed on the night of the 11th and in the course of the following day; and Pillow's troops took possession of Molino del Rey again. Throughout the 12th the fortress was briskly bombarded; whilst feigned attacks were directed against the *garitas*, San Antonio and Unio Pudido. On the morning of the 13th, all measures having been concocted between Scott and his subordinate commanders, the bombardment was renewed with greater vigour than before, until at eight o'clock the batteries suddenly ceased firing, and Pillow's division rushed from its position, overpowered the resistance offered by the enemy on the ground before the fortress, rapidly climbed the steep sides of the hill on which Chapultepec stood, and rearing their scaling ladders against its walls, poured into the works. Quitman, with Shield and Smith, at the same time advanced against the south-eastern side of the hill, and though they had difficult ground to pass over, and were much exposed to the enemy's fire, they reached the fortress in time to take part in its capture. Chapultepec was entered on every side; the officers who should have fired the mines were shot down before they could apply the match; and though the garrison made a stout and prolonged defence almost at the point of the bayonet, it was all in vain, and the survivors, with their gallant chief, were made prisoners.

But it was not for this hill-fort, though it was the site of the "Hall of the Montezumas," that this battle was fought; and whilst the conflict had raged around it, Worth, passing to the north of it, had advanced by the causeway and aqueduct of San Cosmé upon Mexico itself. Quitman, also, as soon as Chapultepec had fallen, pressed on with the greater part of his command, against the *garita* of Belen: both detachments driving the fugitives and stragglers from the former field before them into the city. A hot fire from the roofs and windows of the houses in the street of San Cosmé delayed Worth's progress, but he made good the ground he had won when night fell. But Quitman, whose attack was intended as a feint merely, converted it into a real assault, carried the gate of Belen, in spite of all obstacles and established himself under the very guns of the citadel.

"When darkness fell upon the city," says Brantz Mayer, in his "History of Mexico," "a council of disheartened officers assembled in the Mexican citadel. After the customary crimination and recrimination had been exhausted between Santa Anna and other officers, it was acknowledged that the time had come to decide upon future movements. Beaten in every battle, they now saw one American general already within the city gate, while another was preparing to enter on the following morning, and kept the city sleepless by the loud discharges of his heavy cannon or bursting bombs, as they fell in the centre of the capital. General Carrera believed the demoralisation of the army complete. Lombardini, Alcorto, and Perez coincided in his opinion; and Santa Anna at length closed the panic-stricken council by declaring that Mexico must be evacuated during the night, and by naming Lombardini general-in-chief, and General Perez second in command. Between eight and nine o'clock Senor Trigueros called at the citadel with his coach, and bore away the luckless military President to the sacred town of Guadalupe Hidalgo, three miles north of the capital.

"The retreat of the Mexican army began at midnight, and not long after a deputation *Ayuntamiento*, or city council, waited upon General Scott with the information that the federal government and troops had fled from the capital. The haggard visitors demanded terms of capitulation in favour of the church, the citizens, and the municipal authorities. Scott refused the ill-timed request; and promising no terms that were not self-imposed, sent word to Quitman and Worth to advance as soon as possible on the following morning [the 14th], and guarding carefully against treachery, to occupy the city's strongest and most commanding points. Worth was halted at the Alameda, a few squares west of the Plaza; but Quitman was allowed the honour of advancing to the great square, and hoisting the American flag on the National Palace. At nine o'clock the commander-in-chief, attended by his brilliant staff, rode into the vast area in front of the venerable cathedral and palace, amid the shouts of the exulting army, to whose triumphs his prudence and genius had so greatly contributed."

These last victories had cost the American army a loss of one hundred and thirty killed, seven hundred and three wounded, about forty of whom died, and twenty-nine missing. The enemy lost all. Scott's army, which numbered nearly eleven thousand men when he left Puebla, was now reduced to less than six thousand; and above half the loss had taken place in battle; sickness, desertion, and the necessity of garrisoning some of the captured places, accounted for the rest. But the loss of the Mexicans during the same time had exceeded seven thousand by battle alone; and besides, there were nearly four thousand prisoners in the hands of the conquerors, who had also taken more than twenty colours and standards, seventy-five guns, and fifty-seven "wall-pieces," twenty thousand small arms, and an immense quantity of shot, shells, and powder.

Here, virtually, the Mexican war ended; although there was a little fighting in the captured city, on the line of communication with Vera Cruz, and in the remoter northern provinces, which must yet be noticed. The bloodshed in Mexico itself was caused by the liberation of some two thousand convicts—miscreants who had been imprisoned for every species of crime—by the govern-



ment when it fled from the capital. The outbreak commenced with the dispersion of the victorious Americans from the great square, to search for quarters; and for two days afterwards, murderous assaults were continually made on the American soldiers by these wretches, in conjunction with the unimprisoned rascality of the place, and all the soldiers of the disorganised army which remained there. They fired on the troops from house-tops and windows, and from behind walls, and every screen they could discover, and occasioned them more loss than some battles. The orderly classes of the inhabitants willingly joined Scott in his exertions to suppress this insurrection of brigands, which was as much to be dreaded by them as by the invaders; and such vigorous measures were adopted, under the proclamation of martial law, as speedily brought it to an end. General Quitman was appointed governor of the city; and under his administration of Scott's general order, the city was more peaceable and safe than it had been for ages. The contribution levied amounted to no more than 150,000 dollars, the greatest part of which was devoted to the purchase of blankets and shoes for the common soldiers, and comforts for the sick and wounded.

At a subsequent period of the occupation, a very different account must be given of the conduct of the victors. Of the outrages committed by individuals and gangs in the army we do not speak now, but of the plunder of the country authorised by the commander-in-chief. He acted, no doubt, under orders from Washington; and the expectation was, that by this means such a treaty of peace as the President had resolved to have might the more speedily and surely be concluded. In the middle of December, Scott ordered the collection of "all the taxes and dues of whatever name or kind," which had been paid under the national government, for the support of the army of occupation. And at the end of the same month, he imposed on some of the Mexican States a contribution of "1,000,000 dollars!"—making the functionaries of each state so mulcted responsible in their persons and property for the payment of its assessment!—and authorising the American officers to "collect" any deficit from "the wealthier inhabitants within their reach."

"When Scott marched into the valley of Mexico, Puebla was left in charge of Colonel Childs, with four hundred efficient men, and nearly eighteen hundred in his hospitals. The watchful commander and his small band preserved order until the false news of Mexican success at Molino del Rey was received. But at that moment, the masses, joined by about three thousand troops under General Rea, a brave and accomplished Spaniard, rose upon and besieged the slender garrison. On the 22nd of September, Santa Anna (who, when he fled from Mexico, summoned the congress to Querétaro, and had resigned the presidency to Chief Justice Peña y Peña) arrived, and increasing the assailants to nearly eight thousand, made the most vigorous efforts during the following six days and nights to dislodge the Americans from the position they had seized."

Tidings of their danger were carried to General Lane at Vera Cruz, and Major Lally at Jalapa, and they, fighting their way through the swarms of *guerrilleros* which infested every pass, fell upon Santa Anna (who had advanced as far as Huamantla to meet them) on the 9th of October, and although their

force was under a thousand strong, defeated him after a sharp action. On the 13th they reached Puebla, and at once changed the aspect of affairs. Rea withdrew to Atlixco, whither Lane pursued him, and carried the place after an hour's cannonade by moonlight, on the night of the 19th. The losses of the Americans in these affairs were about a hundred killed and wounded.

About the same time an organised onset was made upon the *guerilleros*, who had so seriously endangered the communications of the army; and by the courage and skill of General Patterson, with Colonel Hughes and Major Kenly, and the co-operation of Lane, the whole of them were either destroyed or driven away; so that the line from Mexico to the sea was finally established, and rendered perfectly safe for convoys, &c., which it had not been at any previous time during the war.

On both sea-coasts of Mexico the American fleet was engaged; but it was in the Pacific that most occurred requiring notice, for on the Atlantic side there in fact remained but one place to reduce, and that was effected by Commodore Perry. On the western side of the continent, Guyamas was seized by Captain Lavallette, having been deserted by its garrison and governor, and a demonstration made against it subsequently was easily defeated. Mazatlan was occupied by Commodore Shubrick, who hoped to have made it the terminus of a line of communication with General Scott or General Taylor. San Blas, San José, Mulejé, San Antonio, and Todos Santos were also the scenes of combats and skirmishes, all of them invariably ending in the success of the American arms.

Here we can most easily introduce General Price's reduction of Chihuahua, and total defeat of a Mexican force of about nine hundred men at Santa Cruz de las Rosales, with less than a third of their number. And here we may mention one small affair, which, as it is the only one in which the Mexicans had the advantage, it is doubly our duty not to overlook. It arose out of the unaccountable imprudence of the Mexican government in sending to Huejutla about two hundred American prisoners,—there being no provision for safely keeping, nor even for lodging, such a number at the place. It was, moreover, so near to Tampico, which was in the possession of the Americans, that their governor demanded the prisoners of the Mexican authorities; and as the reply was an absolute refusal of compliance, he resolved to take them by force. Sending his prisoners to places in the rear, General Francisco Garay prepared to meet the Americans, at the Calabozo, with about six hundred men; and there, on the 12th of June, in this year of American victories, he inflicted the sole repulse which was suffered by the invaders of Mexico. The total American loss on this occasion was twelve killed and as many wounded.

We have spoken of the systematic efforts made by the American government to turn to diplomatic account the progressive pressure of hostilities against Mexico, and have related the various endeavours made by General Taylor in the course of his campaign, and by Nicholas P. Twist, who accompanied Scott as commissioner, to treat with the government of Mexico whenever the opportunity should present itself. The armistice of Tacubaya was the last of those efforts; but, like all that had gone before, it proved unfruitful, as the Mexicans had not been so completely beaten as to despair of ultimate success against the



United States. Now, however, matters wore a very different aspect: their capital was in the hands of the enemy; their government (if government it could be called, which possessed so little authority in the country, and the personal elements of which were changing almost daily) existed only by sufferance; their last army had been cut to pieces and hopelessly disorganised; the general on whom they most relied, routed in every battle-field, had barely escaped being made a prisoner by the foe, and was a vagabond in the land; the commander-in-chief of the victorious invaders had publicly proclaimed his determination to inflict summary punishment, as on brigands, upon any who should be caught in the prosecution of the guerilla warfare, which alone remained possible; yet they did not immediately embrace the American commissioner's offer to treat for peace.

This arose in good part, it must be admitted, from the disorganisation which the defeats they had endured, their removal from the capital, the resignation of Santa Anna, the perseverance of the party-leaders in their factious broils, and the reappearance of General Paredes, had occasioned; although the obstinate self-conceit which had lured them so far towards complete destruction, as a nation, had also not a little to do with it. We cannot suppose that they were aware of the intrigues which so soon afterwards displaced both the victorious general and the astute commissioner, or we might fancy that the negotiations were delayed in the hope of gaining more advantageous terms.

Soon after the capture of Mexico, Trist had sounded Peña y Peña respecting the renewal of peace negotiations; but not till the end of October did that "prudent statesman" express, through his secretary, Don Luis de la Rosa, his profound desire for the cessation of hostilities. When Anaya entered on the presidency, and Peña y Peña was no more than a member of the cabinet, he retained the same feeling, and in the latter part of November offered to appoint commissioners for the purpose of arranging the terms of peace. But in the meantime the President and his cabinet at Washington had been convinced, by the result of the armistice of Tacubaya, that it was not by such a negociator as Trist that a satisfactory issue could be arrived at; and he had been recalled. This fact Scott (who was empowered to act as commissioner) was directed to notify to the Mexican authorities, and, at the same time, Trist was required to break off any unfinished negotiations, and to take with him to Washington any treaty he might have concluded, when he received his notice of recall; which was reiterated in the next despatches, his government growing more discontented with his course of action. But, notwithstanding this recall, Trist was resolved to contrive to act as American commissioner, and he announced this intention both to the cabinet of Washington and to the Mexican government at Querétaro.

It was at this stage of these events, that the lamentable dissensions amongst the commanders of the American forces became matter of public notoriety. We are not surprised to find the general-in-chief accused of a disposition to engross to himself all the praise for the successes of the campaign. It must be remembered that he had been placed in command, though a political opponent of the President, under such circumstances as to suggest, if not to justify, the scandalous allegations we have alluded to in the former page. He had the evil results of

the Tacubaya armistice to compensate for. General Taylor was of the same political party; and as all success in war was only so much political capital, it was necessary to accumulate such a quantity as would exceed that of the victor of Buena Vista. Besides, repeated general orders had shown that strict military subordination was not easily maintained amongst the rank and file, even when every soldier, though he did not "carry a marshal's baton in his knapsack," was a possible president or officer of state, and certainly a voter and a citizen. So that it is not wonderful if generals of division were insubordinate at times. It was Scott's fate to be involved in disputes, some of them sufficiently warm ones, with three of his immediate inferiors in command, at the same time; and he put two of his opponents, General Pillow, whom Trist looked upon as a personal enemy, and the cause of his recall, and General Worth, whom newspaper correspondents had praised to an extent which seemed to reflect upon himself, under arrest.

This state of things could not be advantageous to the cause which Scott had to represent, and maintain in arms, in Mexico; and it seemed to the President and his cabinet that, although little fault could be found with what was actually done by the general in maintaining order in Mexico, his plans of action with regard to the reinforcements he received were objectionable, whilst he did not actually carry even them out. The disobedience of Trist to the positive and repeated recall he had received, appeared also to have taken place under his sanction, and could not have happened without his knowledge and co-operation. We must also add, as elements of mischief and coincident causes of such things as we shall have to relate, the long inactivity of the army in occupation of Mexico,—the relaxed discipline, as shown in the allowance of gambling establishments,—the permission of a more than proportionably numerous and disreputable throng of camp-followers,—and the publication of some of the lowest-class newspapers in the camp, by persons the least qualified in any respect for such an occupation.

Amidst all these things the unauthorised negotiations which Trist had commenced proceeded, and on the 2nd of February, 1848, the Treaty of Guadalupe Hidalgo was the fruit of them. It was signed on that day, in the town so named, by Trist, on the part of the American government, which he had ceased to represent; and on the part of the Mexican government—which could scarcely be said to exist at all, so perturbed, and vague, and wanting in means of all kinds was it—by Don Luis G. Cuevas, Don Bernardo Couto, and Don Miguel Atristain. There were thirty-three articles, and one additional and secret article (to make it look like the treaties contracted between the great powers of the Old World, we suppose), merely stipulating that the ratification by the government of Washington might be deferred four months beyond the term fixed in the open articles of the treaty. And the principal conditions contained in it were—the restoration of peace, the cession not only of Texas, but of New Mexico and Upper California also, to the United States; the payment, in consideration of this cession of territory, of 15,000,000 dollars by the American government, and of the claims of the citizens of the United States against the government of Mexico (of which we formerly heard so much), to the extent of 3,250,000 dollars; and a compact to restrain the incursions and misconduct of the Indians on the northern frontier.



From Brantz Mayer's work on Mexico we quote the following self-laudatory paragraph, in continuation of the history of this treaty:—"This important treaty, which, we believe, history will justly characterise as one of the most liberal ever assented to by the conquerors of so great a country, was despatched immediately by an intelligent courier to Washington; and, notwithstanding the irregularity of its negotiation after Mr. Trist's recall, was at once sent to the Senate by President Polk. [Of this singular and informal haste we shall speak anon.] In that illustrious body of statesmen it was fully debated, and after mature consideration ratified, with but slight change, on the 10th of March. Senator Sevier and Mr. Attorney-General Clifford resigned their posts, and were sent as plenipotentiaries to Mexico, to secure its passage by the Mexican congress."

Before this was accomplished another remarkable incident in this great historical drama occurred. We have spoken of the dissensions amongst the commanders of the victorious army; and we have hinted at the dissatisfaction which was felt at Washington respecting some part of the conduct of the commander-in-chief. Soon after the conclusion of the Treaty of Guadalupe Hidalgo, orders arrived at Mexico, by which General Scott was superseded in the command, and General Butler was appointed in his place. A court of inquiry was also commissioned to investigate the matters in dispute amongst the general officers; which, after sitting in Puebla and in Mexico, was transferred to the United States, and sat in various places, and finally in Washington. The charges preferred by General Worth against Scott were withdrawn, and those brought by Scott against some of the officers under him were also withdrawn; upon General Pillow's conduct the court reported in July, 1849, blaming some part of his conduct, but not recommending any further notice to be taken of the subject. In fact, the whole affair was palpably futile and vexatious.

In order to understand this acceptance of a treaty negotiated by a commissioner whose powers had been recalled, and who was avowedly disobeying orders in treating with the enemy's government, and the superseding and trial of Scott, just when the object of the expedition he commenced was gained, we must remember that the year 1848 was the election-year for the next presidential term, and that there was no hope of Polk's re-election unless he could secure such "capital" as the conclusion of this treaty would bring, and also prevent any one else from standing before him in sight of the people. Taylor had been (it was considered) adroitly shelved by putting Scott over him, and intrusting to him the conduct of the grand expedition; and now Scott (as it was hoped) was thrust aside by this process against him. We have already related the issue of the canvass and the election: by no expedients could Polk retain the numerical superiority on the side of his party; Scott had apparently no prospect of success; and the conqueror of Buena Vista was raised by the renown of that great victory to the highest honours the nation could bestow.

Under the command of General Butler nothing of a military nature was done, except some movements against the few *guerrilleros* that still haunted the line of communication between Mexico and Vera Cruz. In April, 1848, Santa Anna, with the permission of both Mexican and American authorities,

left the land which he neither could defend for his countrymen, nor would relinquish to its invaders. To both, his admission at this critical period was disastrous enough: the blame of it must remain with those who admitted him.

"On the 25th of May, a brilliant *cortége* of American cavalry was seen winding along the hills towards Querétaro, as the escort of the American commissioners, who were welcomed to the seat of government by the national authorities, and entertained sumptuously in an edifice set apart for their accommodation. The town was wild with rejoicing. Those who had been so recently regarded as bitter foes were hailed with all the ardour of ancient and uninterrupted friendship. No one would have imagined that war had ever been waged between the soldiers of the north and south, who now shared the same barracks, and pledged each other in their social cups. If the drama was prepared for the occasion by the government, it was certainly well played, and unquestionably diverted the minds of the turbulent and dangerous classes of the capital at a moment when good feeling was most needed.

"Congress was in session when our commissioners arrived; and on the same day the Senate ratified the treaty which, after a stormy debate, had been previously sanctioned by the Chamber of Deputies. On the 30th of May the ratifications were finally exchanged; and the first instalment of indemnity being paid in the city of Mexico, our troops evacuated the country, in the most orderly manner, during the following summer."

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### CHAPTER III.

STATES' AFFAIRS DURING THIS PERIOD.—TEXAS.—IOWA.—WISCONSIN.—TERRITORIES OF OREGON AND MINNESOTA.—CONSTITUTIONS AMENDED AND RENEWED.—LOCAL AFFAIRS.—PRESIDENT'S TOUR.—TRADE AND COMMERCE.—INDIAN AFFAIRS.—SLAVERY.

PROPORTIONALLY to their intenser and more personal interest, the affairs of the states, as distinguished from those of the Union, are more difficult of treatment in these more recent periods than those of wider import. On this account, as well as under the constraint of the necessary limits of our work, our notices under this head must now be more brief than before. Yet we shall endeavour to indicate the direction and the amount of the progress of the United States, as shown in the matters which were of purely domestic concern, so clearly as to satisfy those of our readers who have followed us to this time in tracing the growth of the country in its most characteristic and vital department.

Three new states were added to the Union during the four years of Polk's chief magistracy; and of these Texas, on every account, stands first. The organisation of this extensive region as an independent state we have already detailed, when on the application of its citizens for the admission of its "Lone Star" into the constellation that sparkled in the chief of the national escutcheon, it was deemed requisite that such modifications should be made in its constitu-



tion as would fit it for working as part of a confederation, under such a constitution as that of the United States. Accordingly, a convention was assembled at Austin on the 4th of July, 1845, which, after accepting the first alternative offered by the Congress, proceeded to form a constitution. On the 27th of the following month their labours were concluded; and on the 13th of October the new instrument of government was ratified by the people.

By it the right of suffrage was conceded to free white males of full age, citizens of the United States, or of Texas at the time of its admission, resident in the state for a year, and in the place of voting for half a year, before an election. The sessions of the legislature were made biennial; and consequently representatives were chosen for two years, and senators for four; (half of them to leave office every second year); the governor and lieutenant-governor were also to be chosen biennially. All these officers of state were required to be voters and residents in Texas—the representatives for two years, the others for three, and both senators and representatives for the preceding year in the district they should be chosen for. The numbers of the last-named were to vary between forty-five and ninety; and of the other branch of the legislature between nineteen and thirty-three.

There were also to be a secretary of state and an attorney-general, nominated by the governor and confirmed by the senate, and a state-treasurer and comptroller of accounts nominated every two years by the two houses. The veto-power of the governor was made of no avail against a vote of two-thirds of both houses of the legislature. The judges were to be appointed by the governor and the senate.

Some of the miscellaneous provisions of this constitution may also be noted. Thus, the being concerned in any way in a duel, and the sending or accepting of a challenge, disqualified for public office;—a wife's property, of all kinds, and whenever acquired, was secured to herself, personally;—corporations for the purposes of banking and discounting were utterly prohibited;—a permanent fund was created for the purpose of providing free public schools, by the setting aside of a tenth of the annual revenue of the state derived from the taxes;—and arrangements were made for the periodical revision, methodisation, and publication of all the laws; and for the facilitation of amendments to the constitution.

On the 19th of February, 1846, the state government under this constitution was organised; the treaty of Guadalupe Hidalgo, as we have related, confirmed all that had been done; and we may add that the western boundary-line, which was one of the alleged causes of the Mexican war, was settled by compromise in 1850, the line of the Rio Grande, north of the thirty-second parallel, being given by Texas.

We gave an abstract of the constitution framed by the constituent convention of Iowa in the second chapter of the last Book, and told how it happened that this state was not then admitted into the Union. It only remains to be added here, that in the course of the year 1846, Congress passed a law determining its boundaries in a manner more acceptable to the citizens of the state, and providing anew for its admission; that on the 3rd of August in that year, the people ratified the work of that convention, and agreed to the proposal of Congress;

and that before the end of 1846, it was recognised as a member of the confederation, and organised as an independent sovereignty.

Provision was made by act of Congress in March, 1846, for the organisation of Wisconsin as a state, and its admission into the Union. But the constitution which was adopted by the convention which met at Madison, between October the 5th and December the 16th following, was rejected by the people in April, 1847. A second convention, therefore, assembled on the 16th of December, 1847, and agreed to a constitution on February the 1st, 1848, which was ratified by the people in the following April.

This instrument gave the right of voting, not only to the usual class of citizens, but also to white foreigners who should have declared their intention of being naturalised in the United States; to persons of Indian descent, who might ever have been declared citizens; and to "civilised persons of Indian descent," not members of a tribe. And amongst other grounds of disqualification, conviction of "betting on an election" is enumerated. The legislature, whose sessions were to be annual, was made to consist of a senate and an assembly; the latter to vary in number from fifty-four to one hundred, and the former between one-fourth and one-third the actual numbers of the other house. The assembly-men were to be chosen annually, and the senators biennially, half of them retiring each year; and their qualifications were the possession of the suffrage, and residence of a twelvemonth in the state. The governor and lieutenant-governor (who were only required to be citizens of the United States, and voters in Wisconsin) were to be chosen for two years, either by the electors, or, in their default, by the legislature. The secretary of state, treasurer, and attorney-general were also to be chosen each for two years, at the general elections. The choice of judges was also given to the people.

The following are some of the miscellaneous provisions of the instrument: Banking corporations might be established, if a majority at a general election should approve the establishment beforehand, and another approve the act after it should be passed. Any person implicated in a duel was not only disqualified for office, but also lost his vote. Slavery and imprisonment for debt (on contract) were equally prohibited. Tribunals of conciliation, with the powers of arbitrators, might be established. Education, amendments of the constitution, and freedom of opinion, were also cared for by judicious provisions.

Not till the close of the first session of the thirtieth Congress, was an act passed to organise the territorial government of Oregon; and the provisions of this fundamental law did not differ, except in minor matters, from those of other territories,—the citizens having conceded to them the power of electing a legislature (whose laws, of course, would require the sanction of Congress), although the executive officers and judges were to be appointed by the President. The benefits of the ordinance of 1787 were guaranteed to the people; which in effect signified that no attempt to force slavery upon them was intended. And along with other advantageous regulations came these:—"No bank or anything like a bank, shall be chartered or permitted to exist in the territory, as a branch of an institution chartered elsewhere, or otherwise;"—and salmon must not be prevented from passing up and down the streams." The organisation of the territory of Minnesota followed from the establishment of Wisconsin state, it



having been formerly included within its limits; and it was effected by an act, which was approved on the last day of Polk's term of office; but there was nothing in the forms of government established by this law, sufficiently different in principle or details from those set up in other territories, to require especial notice. How the bill to establish a similar government for California failed, together with the premature erection of an independent government in New Mexico, has been recorded in the first chapter of this Book.

Three states of mark amended their constitutions during the presidency of Polk—New York, Louisiana, and Illinois. Louisiana effected the renewal of its political "covenant" in the course of the year 1845. Residence for two years in the state, and for half that time in the parish wherein it was proposed to vote, were now required for the right of suffrage; and many disqualifications were established. The maximum number of representatives was doubled; and at least one was assigned to each parish. The number of senators was also doubled; and the intervals between the successive censuses, to determine the distribution of the legislators, was lengthened, in the first instance to eight, and then to ten years. The life tenure of the judges was abolished; and appointments made for eight or six years. Corporations for banking were declared unconstitutional; and the remotest implication in a duel disqualified for office, and deprived of the suffrage. New York did not materially alter those parts of its constitution which related to the legislature and the executive; but it made a great and (as we think) undesirable change in the system of appointment for its judges; who, instead of receiving their seats from the governor and senate, and retaining them during good behaviour, or till they reached the age of sixty, were now elected by the people for periods of four and eight years. The state canals, the system of finance, and corporations for commercial purposes, were also the subjects of fundamental laws. This amended constitution was the work of 1846. Illinois revised its constitution in 1847, and its people ratified the new instrument in the year following. The increase of the numbers of its legislature was one principal feature of it, and the extension of the term of residence required to give votes to citizens, from half a year to a year, another. Here too the office of the judges was now made elective, and for limited periods; and banks, slavery, lotteries, duelling, and coloured persons, were prohibited within the boundaries of the state.

At this time, in the course of the year 1846, Congress by special act retroceded to the state of Virginia so much of the district of Columbia, comprising the city and county of Alexandria, as had been contributed by it originally to establish the Federal district. Columbia was thus reduced from a hundred to sixty square miles in extent.

General histories of a country like the United States must always labour under one great defect,—they cannot depict the actual history of the people, being taken up with the foreign and other general affairs of the confederation, and able at most to represent *in mass* the growth of the sources of national wealth, and of the means of extending and diffusing civilisation. The local or state historian, on the other hand, though he actually furnishes the "materials" for such a history, is prevented by his narrow limits from supplying this defect. We here, as before, offer a selection of the events and

matters which may intimate to the inquirer the kind and amount of activity and energy displayed in the separate sovereignties composing the United States; but we deeply regret that we cannot speak of the schools and colleges, the prisons and penitentiaries, the hospitals and asylums, the associations for religious, philanthropic, and literary and scientific objects, and all those other institutions which so honourably distinguish America, and the Northern states in particular, and give assurance to the hope that, refined from all impurities, all its errors corrected, the great modern republic shall yet play no undistinguished part in the advancement of the human race in freedom, knowledge, and holiness.

One subject, of somewhat more than local interest, demands attention at the outset,—*Mormonism*, and its settlement in the Great Salt Lake Valley. In the last Book we spoke of this new “faith” and its martyr-“prophet,” and intimated that its followers were forcibly attacked in their town of Nauvoo, Illinois, in 1846. They received sufficient intimation of the design of those who then made war upon them, for all through the year 1845, as they said, they “lived a life of sturt and strife.” And it must be observed, that had the authorities of the Union chosen to prevent the outrages which followed, they had sufficient notice of them beforehand. Unquestionably, the social and domestic principles of these “Latter-day Saints” were bad enough; but in a civilised community, laws and legal tribunals exist for the very purpose of punishing or deterring the carrying out of such principles into overt acts; and it is a worse offence against society to undertake the punishment of those holding these tenets by armed violence.

To such a length were preparations for forcibly expelling them carried, that the Mormons agreed to leave Nauvoo in the spring of 1846, and resolved to seek a home beyond the barrier of the Rocky Mountains; asking only to be allowed to depart in detachments, and to dispose of their land and property. From February to August, in accordance with their agreement, continual trains of ox-waggons set out from the Mississippi valley, across the great interior desert, to the unknown regions of the farthest west. Others chartered a vessel at New York, and made their way to the new “land of promise” by the perilous passage round Cape Horn. They were subjected to incessant annoyances from all who could reach them. In order to prove that they were not traitors to the Union, and had no intention of exciting the Indians or helping the Mexicans against the United States, some of them were forced to join in Kearney’s expedition; and, after proving excellent soldiers for the kind of warfare he engaged in, were disbanded in Upper California; where—as if to verify their claims to the peculiar favour of Heaven—one of them discovered the golden treasures of that land.

But although the Mormons kept their word, their enemies did not scruple to break their engagements with them. In September, 1846, under the pretext that the scanty remnant of the once-flourishing population of Nauvoo did not mean to leave, their impatient adversaries bombarded the city for three days, and compelled all who remained to dispose of the property of the fraternity with fire and sword. The mystic temple, which had been carefully completed, and adorned, and consecrated, and then despoiled by the hands of the worshippers,



was defiled and polluted; every indignity which unresisted force could devise to celebrate so dishonourable a victory was inflicted upon those who now saw the last dream of their "foolish prophet" dissipated. The sufferings of those who first set out on the long and toilsome march in quest of a new home, had been great. Indeed, every stage and process of the emigration was marked by loss and suffering; yet uncomplainingly the people followed their leaders; and at length, when the war was concluded, there were some five thousand energetic and enterprising settlers ready to occupy one part of the territory acquired by the United States, and that the most unpromising of the whole extent,—the valley of the Great Salt Lake, of which Jefferson had heard. Here, as soon as they had fixed upon the site of their capital, they organised (provisionally) a regular government, under the designation of the State of Deseret, and at the head of it they placed the successor to Joseph Smith, their new prophet, Brigham Young. Subsequently, on application for admission to the Union, the name and form of government were disallowed, and even the presidency of their prophet; but the history of the territory of Utah belongs to a later time than we have reached.

It cannot be said that the existence of gold in California was unknown till the Mormon "volunteers," in returning from their compulsory service against Mexico, lighted upon it; for the mines in Sonora had originally attracted the scanty immigrant population that had settled there. But the fact seems to have been forgotten; and hides and tallow, and those only for manufactured goods in exchange, were the sole commodities which the region offered to the few vessels which wandered so far aside from the great highways of commerce. Lewis and Clarke first opened this country—so near, and yet so far off—to the knowledge of the United States; and in 1842, Captain Fremont, whom we have met with in another *scientific* tour in this region, explored the paths across the Rocky Mountains leading to it; and in the course of that journey he once pitched his tent on the richest spot in all California, and he and his little band endured unimaginable want there, without being at all aware that the soil under his feet teemed with gold.

Long before the inexhaustible mineral wealth of the region was known, as soon as ever it had been "annexed," in the informal and summary manner we have related above, to the United States, streams of the most restless of the American population, who had penetrated to the eastern margin of the great desert of the Missouri valley, hearing of the *farther* west thus made accessible to them, began to meander across the plain, and, finding their way through the chinks and crevices of the great mountain barrier, to flow towards the sea-coast of the Pacific. The Mormons, as we have just said, were amongst the earliest of those explorers, although they had not the intention, as almost all the others, of acting on the famous motto of Charles V.—*plus, ultra!*

But no sooner had tidings that the precious metal had been found there in great abundance, and accessible to any who could wield pick, handle spade, or wash alluvium, in the spring of 1848, reached the eastern shores, and been confirmed by the exulting proclamation of the fact by the President in his last annual Message at the end of the same year, than such a general movement to this new El Dorado took place as the world had never before witnessed. In

about one month after the publication of Polk's Message, a hundred vessels left Atlantic ports of the United States (more than half from New York alone) for California! Speedily the news was carried to the Old World, and excited a commotion there which for a time surpassed that of "the year of revolutions;" and then, spreading still further, made its influence felt amongst every people on the face of the earth, and drew to the little-known and rarely-visited western shore of North America such numbers of every race, and tongue, and clime, as had not been seen in one assembly since the dispersion from the plain of Shinar. The most conservative and immovable peoples were affected equally with the most fickle and impressible; nor did California cease to be the dream of all whom gold could charm until the still richer auriferous regions of Australia, increasing the *furor*, divided the attention of men.

Amongst the affairs which we have designated "local," we have placed the "tour" of the President in New England, during the summer of 1847. With the particulars we are not interested, but we remark it because Polk was a *Democrat*, and it still further shows the great change which had come over the feeling of his political party since Jefferson denounced the journeys of Washington as attempts to bring the Union into monarchical thralldom. The object of this "visit" was so patent as to be almost avowed. The next year was the election year, and New England was the stronghold of his political opponents; could he, as Jackson was believed to have done, go there and charm them by his affability, and manifestation of concern for their interest, he might perhaps secure a sufficient number of votes to turn the scale in his favour! And there was need to carry the war into the enemy's country.

For in the spring of that same year, Daniel Webster, the chief of the Whig statesmen, if not of *all* the statesmen of the Union, had indulged himself in a *Southern tour*. "He was accompanied on the excursion by his family. They passed hastily through Virginia and North Carolina to South Carolina. At Charleston he was received with the most distinguished attention and cordiality. He was welcomed on his arrival by an assemblage of the most respectable citizens. Entertainments were given him by the New England Society and by the Charleston bar. At these festivals, the sentiments and speeches were of the most cordial description. Similar hospitalities and honours were paid him at Columbia, Augusta, and Savannah. No trace of sectional or party feeling detracted from the warmth of his reception. His visit was everywhere regarded as an interesting public event. Unhappily, his health failed him on his arrival at Savannah; and the advance of the season made it impossible for him to execute the original project of a journey to New Orleans. He was compelled to hasten back to the North." Now Webster was justly ambitious of occupying the President's chair; and his tour would at least have made Whig votes for whatever candidate the party might accept; and on that account it was needful to attempt at least to counterwork it: the effort, however, was vain; for (as we know) Zachary Taylor was chosen in 1848.

Once more, and for the last time, we must speak of John Quincy Adams. Our last notice of him was in connection with the tours of President Jackson and aspirant (if not candidate) Clay; and we then told of the courage and diligence and magnanimous meekness with which he, who had been at the head



of the nation, discharged the humbler duties of representative, to which his fellow-citizens had called him. Most appropriately, it was his lot to die in harness, and at his post in Congress. Smitten down with a paralytic stroke in the midst of a sitting in the business of which he had taken a part, he could not be removed from the capitol; but there, in the Speaker's private apartment, adjoining to the hall where his noblest service to his country had been performed, after lingering two days, he died, on the 23rd of February, 1848. He was the last public man in whom glowed the old fires which had burned so clear and bright in the birth-struggle of the United States. He was not, it is true, one to take rank amongst those glorious patriots whose daring and enduring had shorn from the empire of Britain the fairest province it then could boast; but he was of a different mould from the mediocrities whom party conflicts and exigencies, and mere numerical majorities, have since made prominent in the affairs of America. Recording his death, it seems as if the brightness of the nation's glory was sensibly dimmed, or a star had fallen from her crown,—as if the prophet had been rapt away from the people he had rebuked and led, and had not let fall his mantle on any successor.

Next in order, the trade and commerce of the various parts of the Union demand our regard. In order to enable our readers to compare the imports and exports of these four years with those of the preceding terms, we take the years ending with June 1846 and June 1849. The total value of the merchandise imported into the Union in the former of those years fell but little short of the value of 121,750,000 dollars; whilst the value of the exported produce of the States was under 102,250,000 dollars. But in the latter year the value of the imports had nearly risen to 158,000,000 dollars, and in the year before had exceeded even that amount by 7,000,000; and the exports were more than 132,600,000 dollars in value; and in 1847 had been over 150,500,000 dollars. In the year ending with June, 1849, the free states exported domestic produce of the value of more than 52,000,000 dollars; and imported goods to the amount of 129,750,000 dollars! The exports of the slave states, on the other hand, amounted to above 80,250,000 in value (including, of course—which detracts from the real worth of these statistics—all the produce of the free states, which is shipped at New Orleans; so that the exports of free Ohio swell the returns of slave Louisiana), and the imports to no more than 14,000,000 dollars' worth, even with all that is carried to the free states of the Upper Mississippi valley reckoned amongst the imports of Louisiana!

New York stood pre-eminent in this year, 1849, amongst the states, commercially considered, as in most other respects; its exports verging upon 36,750,000, and its imports exceeding 92,500,000 dollars. Louisiana exported less than 37,000,000 dollars' worth; and imported but a little above the value of 10,000,000. Massachusetts' exports were above 8,000,000, and its imports nearly 25,000,000 dollars. Pennsylvania, exporting less than 5,000,000, imported more than 10,500,000 dollars. Maryland sent away 7,750,000 dollars' worth of its produce, and received nearly 5,000,000 dollars' worth from other countries. South Carolina exported above 9,500,000 dollars' worth of merchandise, and received less than 1,500,000. Alabama's exports reached nearly to 13,000,000 dollars; those of Georgia exceeded 6,750,000; those of Virginia,

3,500,000; those of Florida, 2,500,000 dollars. Maine, too, exported above 1,250,000 dollars' worth of produce.

The value of the cotton exported by all the South rose from a little more than 42,750,000 dollars in 1846, to more than 60,250,000 dollars in 1849. Pork, in all forms, of which little more than 2,000,000 dollars' worth were exported up to 1844, in 1846 rose nearly to 4,000,000, and in 1849 reached 9,250,000 dollars. The exports of breadstuffs necessarily fluctuated greatly: in 1847 they amounted to about 50,000,000 dollars in value, but in 1846 and 1849 to considerably less than half this sum. A new article of export in 1848 and 1849 was *ice*; and the value of the shipments in the last year was above 95,000 dollars.

The total length of the railways in the United States, in 1849, was six thousand one hundred and seventeen miles; but eleven thousand six hundred and seven miles of electric telegraph wire were in operation under Professor Morse's system alone. The portion of these totals belonging to the Southern states is so small as not to deserve specification. We have already adverted to the prodigious stimulus given to railroad enterprise by the discovery of gold in California. The schemes spoken of in the first chapter must be added to other indications of wealth and activity in the North, however, since in that section of the Union they originated and were most warmly supported.

In this connection, the convention in favour of the constitutional right of Congress to superintend and carry out internal improvements, held at Chicago in 1847, and two other conventions held at Memphis, in Tennessee, in 1845 and 1849, also in favour of the control of nationally important improvements in rivers, harbours, and such like, by the Federal government, may be recorded.

We note with satisfaction, that early in 1848 the state of Maryland resumed payment of interest upon its debt; and that "the members of the Mississippi legislature, without distinction of party, opposed to the repudiation of the state bonds sold on account of the Planters' Bank, met pursuant to a call, by a vote [of sixty-nine against five] resolved that some financial plan should be devised for the payment of the bonds, and the redemption of the faith of the state." It would have been more satisfactory had more than this been done; for their real wealth being considered, the fact and the circumstances of the indebtedness of certain of the states is one of those features of his country on which the true patriot looks with the greatest sorrow.

Indian affairs have gradually dwindled in importance as our history has proceeded, and now they occupy a very small space in the annals of the country. Indeed, here we have only to observe that, by extending their government to the Columbia valley and to California, the United States had been brought into relations, not always friendly, with tribes of the aborigines not before known to the Americans. In California alone, the Jesuit fathers reckoned that twenty different languages, or dialects (as we should now call them), were spoken by the natives,—so numerous were the tribes there. We hear of conflicts between the Indians of the Oregon territory and the United States soldiers there, in which the latter were not victorious. But the triumphs of the red men, and such laurels as they could gather in war with the whites, were sure to mark them for destruction.

Two enactments of the legislature of the Choctaws, in the year 1846,



painfully show the progress they were making in what they supposed was civilisation—which to us, who know that they had long ago left that stage of savagery when they used to eat, or torture to death, their captives, and that in no legitimate way, as Indians, they could have become possessed of negro captives, seems to be mere barbarism. One of these so-called “laws” prohibits all negroes, whether free or fugitive, from entering the boundaries of their lands, under pain of receiving “*not less* than one hundred lashes on the bare back,” and forfeiting all property found in their possession. The other caricature of the legislation of their former suzerains forbade the emancipation of any slave, except with the permission of the “general council;” and commanded the *freedman* (if such a one could ever be) to leave their lands, within thirty days, under pain of being sold as a slave again for five years! And thus we are conducted to slavery once more.

On this hopeless subject we shall say but little. The following abstract of the part of the new constitution of Texas relating to it will show what advance had been made towards freedom in the South:—“No law shall be framed to emancipate slaves, except by their owners’ consent, by paying a full compensation for them. Emigrants to this state shall not be prevented from bringing their slaves with them, but the bringing hither of slaves as merchandise may be forbidden. Laws may be framed obliging owners to treat their slaves with humanity, and to abstain from injuries to them affecting life and limb; in case of disobedience to these laws, the slaves may be taken away, and sold for the benefit of the owners. Slaves accused of higher crimes than petty larceny, shall have a fair trial by jury. Any one who maliciously dismembers or deprives a slave of life shall be punished as if he had committed the same crime on a white person, except in case of insurrection of such slave.”

Why Southern men should accuse those of the North of circulating falsehoods concerning their treatment of their slaves, is not easy to be understood; since they themselves enact and promulgate as fundamental laws such as these. Slavery truly inflicts upon the dominant class injuries only less in extent and moment than those with which it crushes the thralls themselves. Let one other instance, which suggests serious doubts regarding the right reasons of the inventors and circulators of the statement, suffice (as it will only too amply) for proof. In De Bow’s “Industrial Resources,” under the general head of “Negroes,” and the particular one, “Diseases and Peculiarities of” them, we find this,—“*Drapetomania, or the disease causing negroes to run away!*”

After this we need not relate the story of the Pearl,—which ought, we may say, to be included in every collection of *Memoires pour servir*, made for the assistance of future historians of America,—but may direct one final glance at President Polk and his administration. How vastly he increased the area of the United States has at length been told, and *how* the acquisition of the new domain was effected. This praise belongs to him; its worth the future alone can show. In other respects, President Polk walked according to the traditions of his party, and acted like one who, except as President, never could have ranked amongst the *distinguished* men of his time.

## BOOK VI.

### THE ADMINISTRATION OF ZACHARY TAYLOR AND MILLARD FILLMORE.

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#### CHAPTER I.

MEMOIR OF GENERAL TAYLOR.—HIS INAUGURATION, ADDRESS, AND CABINET.—THE CENSUS OF 1850.

In the year 1848, the Whig party, by delegates in convention at Philadelphia, nominated Zachary Taylor, of Louisiana, for President, and Millard Fillmore, of New York, for Vice-President of the United States. The Democratic party, in the same year, nominated Lewis Cass, of Michigan, for President, and William O. Butler, of Kentucky, for Vice-President. A very considerable portion of the Democracy of the Northern, Eastern, and Western States, being displeased at the rejection of Martin Van Buren, of New York, by the convention which nominated General Cass, called a convention and nominated Mr. Van Buren for President, and Charles Francis Adams, of Massachusetts, for Vice-President. These latter candidates presented themselves to the public upon what was called the "Free-soil," or "Buffalo" platform. This movement drew off a large number of voters from the support of the Cass ticket. The popular enthusiasm in favour of General Taylor, evoked by his brilliant military exploits and successes in Mexico, overcame all opposition, and resulted in the triumphant election of himself and Mr. Fillmore to the offices for which they had been nominated.

They entered upon the duties, respectively, of the Presidency and Vice-Presidency on the 5th March, 1849—the 4th, the usual day, falling on a Sunday. A brief memoir of General Taylor will show what sort of man he was who was elected by his countrymen to the highest office in their power to confer.

Zachary Taylor was descended from an English family, which settled in the eastern part of Virginia in 1692. His father held a colonel's commission throughout the Revolution, and served with valour, during that long struggle, much of the time with Washington, retaining, in all emergencies, and under every difficulty, the confidence and esteem of that distinguished patriot. He was engaged in many of the most fiercely contested battles of the war, and particularly at Trenton, where he rendered valuable aid to the commander-in-chief. In 1790, Colonel Taylor emigrated to Kentucky, when that territory was but little more than an Indian hunting-ground. It was then the scene of frequent bloody strifes between the Indian tribes and the emigrant population. From these desperate encounters, Kentucky derived the name of the "Dark and Bloody Ground."



Zachary Taylor was born in Orange county, Virginia, in 1784, and was less than six years old when his father emigrated to Kentucky. His youth was therefore spent, and his character formed, amidst the dangers and difficulties of Indian warfare, and the hardships and privations incident to a frontier life. His boyhood was distinguished by indications of that manly independence of character, inflexibility of purpose, and frank and open disposition, which afterwards bore him so triumphantly through difficulties and dangers, before which men educated in a less severe school would have shrunk in despair. As may well be understood, he enjoyed but few advantages for acquiring an ornamental or classical education; but his ever active and inquiring mind, his great love of learning, his remarkably strong and retentive memory, and, above all, his iron will and great tenacity of purpose, more than compensated for what otherwise would have confined his acquirements to the commonest rudiments of an English education. He remained with his family in Kentucky until the year 1808, when the capture of the United States frigate Chesapeake, by the British frigate Leopard, fired the country with indignation. Young Taylor seized upon the occasion to gratify his desire to enter the army. He applied to Mr. Jefferson for a commission, and, by the aid of powerful family connections, his application was successful; for on the 3rd of May, 1808, when twenty-four years old, he received a commission as first lieutenant in the Seventh Regiment of United States Infantry.

On the 19th of June, 1812, a declaration of war was formally declared against Great Britain by the United States, and Lieutenant Taylor, who had at the commencement of the year attained the rank of captain, was placed in command of Fort Harrison—a rude and weak stockade, garrisoned by fifty soldiers, most of whom were worn down and disabled by their long and severe service. He here withstood and defeated an attack, by four hundred and fifty Indians, with a loss to himself of two killed and two wounded. For his valuable services on this occasion, the brevet rank of major was conferred upon him, being the first brevet commission conferred during the war. From the termination of that war, in the beginning of 1815, to 1832, when the Black Hawk war broke out, he was stationed at various posts in the West, as the interests of the service required, always active and faithful in the performance of the duties of his profession, and scrupulously exact in requiring it from those under his command. In 1832, previous to which he had been promoted to the rank of lieutenant-colonel, he was assigned to the command of the regular troops in the Black Hawk war, and endured all the hardships and privations of that vexatious war. At the battle of the Bad-Axe, which resulted in the capture of Black Hawk and the Prophet, and in the overwhelming defeat of their forces, he particularly distinguished himself, and had an important agency in bringing the war to a close.

At the breaking out of the Florida or Seminole war, Colonel Taylor was at Fort Crawford, Prairie du Chien, built by him, where he had been stationed for four years. In 1836, he was ordered to Florida, though he was then on furlough, and placed in command of a separate column, composed of the First, Fourth, and Sixth infantry, some artillery, and the Missouri volunteers. Here his usual valour was attended by his usual success. His gallantry and good

conduct received the highest commendation of Mr. Poinsett, the Secretary of War, General Macomb, the commander-in-chief of the army, and the country at large. General Macomb issued a general order to the army, upon the occasion of his first victory, in which he especially referred to his bravery. He also received the brevet rank of brigadier-general, and was given the chief command of the operations in Florida, in consideration of his valuable services, which he retained until the year 1840.

After his resignation of this command, he was assigned to that of the First Department of the army, including the states of Louisiana, Mississippi, Alabama, Arkansas, &c., with his head-quarters at Fort Jessup, in the former state. There he remained, in quiet but vigilant attention to the duties devolving upon him, until his services should be required on a wider and more extended field.

On the 1st of March, 1845, Texas was admitted into the Union, by a joint resolution of the Congress of the United States; and General Taylor, in pursuance of orders from the War Department, took up his position at Corpus Christi, on the west side of the Neuces, and near its mouth, where he remained until March, 1846. Whilst in this position, he sent forward to the Rio Grande a party of observation, with the view of selecting some favourable position as a depot of military stores, and a proper position for the encampment of the army. Some time in February, 1846, this party returned, and reported in favour of Point Isabel, a few miles from the mouth of the Rio Grande, as a depot of provisions and military stores, as well as of Fort Brown, as a suitable position to be occupied by the army.

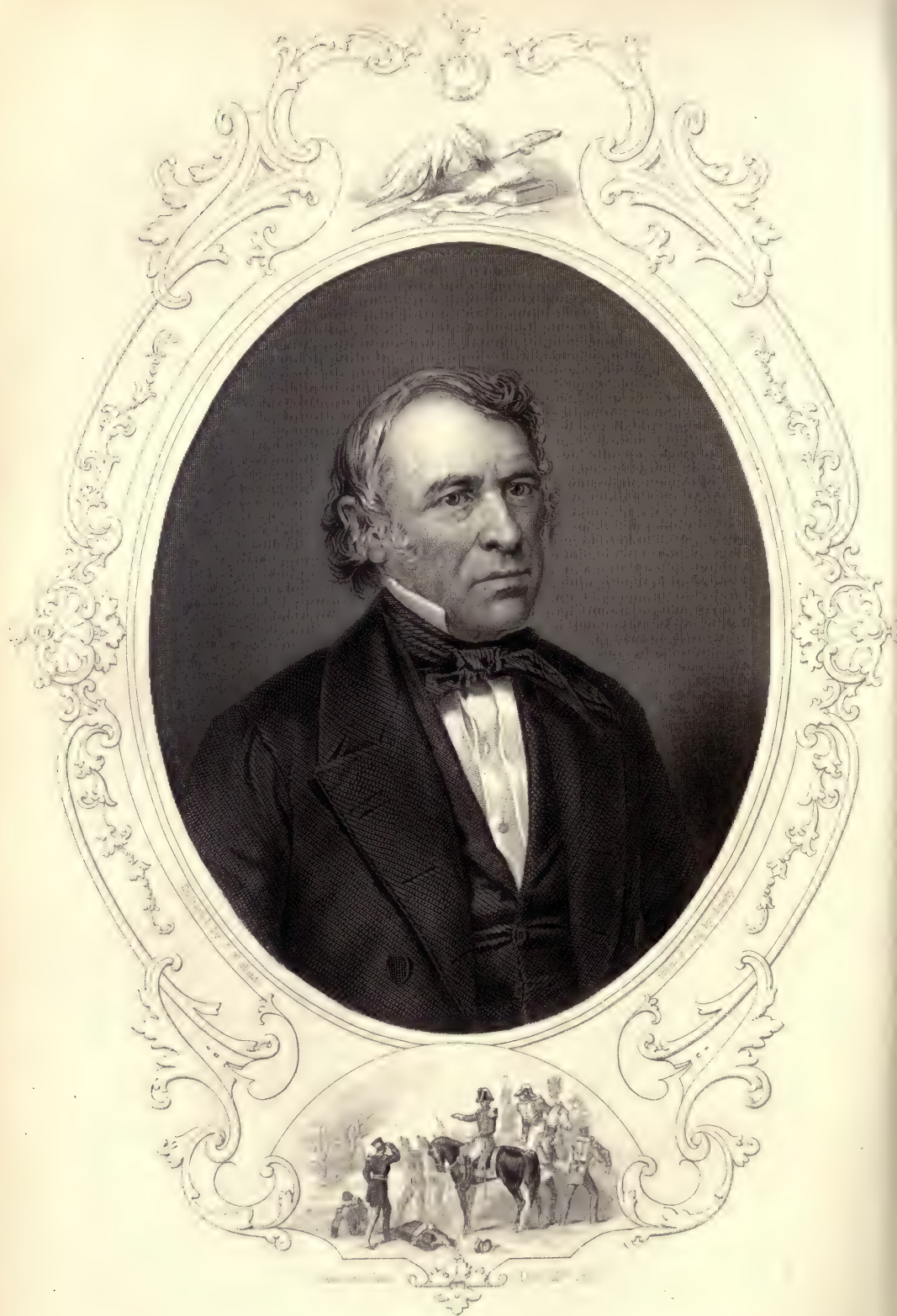
On the 11th March, 1846, General Taylor took up his line of march from Corpus Christi, arrived at Point Isabel, where he threw up defences, and thence proceeded to the Rio Grande, opposite Matamoras. Arriving at that point, General Taylor was summoned by General Ampudia, commander-in-chief of the Mexican forces, to evacuate his posts, which he declined to do. In the meanwhile, he had returned to Point Isabel, at which place he received information that the Mexicans had crossed the Rio Grande with the view of cutting off his communication with Fort Brown, opposite Matamoras. He immediately left Point Isabel, proceeded as far as Palo Alto, where he met the Mexican forces on the 8th May, gave them battle, and obtained a decisive victory.

On the 9th, the Mexicans retreated to Resaca de la Palma, where General Taylor, pursuing, overtook them, gave battle, and again triumphed, although the Mexicans had been largely reinforced during the night. The American strength was 2,222, but those actually engaged numbered only 1,700. The Mexicans brought into the action 6,000 men. American loss in killed, 33; wounded, 89. Mexican loss not known, but 200 were buried by the Americans after the battle.

Preparations for an attack on Matamoras were completed on the 17th of May; and on the 18th, the Mexicans having evacuated, General Taylor marched in with his army, and took possession of the town, with all its military stores. Leaving Matamoras on the 7th September, he attacked Monterey on the 21st. The battle continued, with some intermissions, until the 24th, when the Mexicans capitulated, General Taylor granting an armistice of eight weeks, and occupying the city. From thence he proceeded to Buena







*Z Taylor.*



Vista, where he arrived on the 21st February, 1847. On the day following, he received a message from General Santa Anna, informing him that his (Taylor's) army was surrounded by 20,000 men, and demanding a surrender; to which Taylor replied, "I decline acceding to your request." On the 23rd, Santa Anna attacked the American forces. The battle raged violently during the day, and at night the Americans bivouacked on the field. The next morning it was found the Mexicans had retreated, with a loss of from 1,500 to 2,000 men.

After this battle, General Taylor returned to Monterey. Remaining there in a comparative state of inactivity—the government having changed their base of operations—he asked permission to return to the United States, which was granted. Arriving there, he was received with the most remarkable popular demonstrations that ever before greeted an American commander since the days of Washington.

On Monday, the 5th of March, 1849, he was inaugurated as President of the United States, in the portico of the Capitol, at Washington. Having taken the oath of office, he delivered the following address, in the presence of about ten thousand citizens:—

"Elected by the American people to the highest office known to our laws, I appear here to take the oath prescribed by the Constitution, and, in compliance with a time-honoured custom, to address those who are now assembled.

"The confidence and respect shown by my countrymen, in calling me to be the Chief Magistrate of a republic holding a high rank among the nations of the earth, have inspired me with feelings of the most profound gratitude; but, when I reflect that the acceptance of the office which their partiality has bestowed imposes the discharge of the most arduous duties, involves the most weighty obligations, I am conscious that the position which I have been called to fill, though sufficient to satisfy the loftiest ambition, is surrounded by fearful responsibilities.

"Happily, however, in the performance of my new duties I shall not be without able co-operation. The Legislative and Judicial branches of the Government present prominent examples of distinguished civil attainments and matured experience, and it shall be my endeavour to call to my assistance, in the Executive departments, individuals whose talents, integrity, and purity of character will furnish ample guaranties for the faithful and honourable performance of the trusts to be committed to their charge. With such aids, and an honest purpose to do whatever is right, I hope to execute diligently, impartially, and for the best interests of the country, the manifold duties devolved upon me.

"In the discharge of these duties, my guide will be the Constitution, which I this day swear to 'preserve, protect, and defend.' For the interpretation of that instrument, I shall look to the decisions of the judicial tribunals established by its authority, and to the practice of the Government under the earlier Presidents, who had so large a share in its formation. To the example of those illustrious patriots I shall always defer with reverence, and especially to his example who was by so many titles the 'Father of his Country.'

"To command the army and navy of the United States,—with the advice and consent of the Senate to make treaties and to appoint ambassadors and other

officers,—to give to Congress information of the state of the Union, and recommend such measures as he shall judge to be necessary, and to take care that the laws shall be faithfully executed,—these are the most important functions intrusted to the President by the Constitution; and it may be expected that I shall briefly indicate the principles which will control me in their execution.

“ Chosen by the body of the people, under the assurance that my administration would be devoted to the welfare of the whole country, and not to the support of any particular section, or merely local interest, I this day renew the declaration I have heretofore made, and proclaim my fixed determination to maintain, to the extent of my ability, the Government in its original purity, and to adopt, as the basis of my public policy, those great republican doctrines which constitute the strength of our national existence.

“ In reference to the army and navy, lately employed with so much distinction on active service, care shall be taken to ensure the highest condition of efficiency; and, in furtherance of that object, the military and naval schools, sustained by the liberality of Congress, shall receive the special attention of the Executive.

“ As American freemen we cannot but sympathise in all efforts to extend the blessings of civil and political liberty, but, at the same time, we are warned by the admonitions of history, and the voice of our own beloved Washington, to abstain from entangling alliances with foreign nations. In all disputes between conflicting governments, it is our interest, not less than our duty, to remain strictly neutral; while our geographical position, the genius of our institutions and our people, the advancing state of civilisation, and, above all, the dictates of religion, direct us to the cultivation of peaceful and friendly relations with all other powers. It is to be hoped that no international question can now arise which a government, confident in its own strength, and resolved to protect its own just rights, may not settle by wise negotiation; and it eminently becomes a government like our own, founded on the morality and intelligence of its citizens, and upheld by their affections, to exhaust every resort of honourable diplomacy before appealing to arms. In the conduct of our foreign relations I shall conform to these views, as I believe them essential to the best interests and the true honour of the country.

“ The appointing power vested in the President imposes delicate and onerous duties. So far as it is possible to be informed, I shall make honesty, capacity, and fidelity, indispensable pre-requisites to the disposal of office; and the absence of either of these qualities shall be deemed sufficient cause for removal.

“ It shall be my study to recommend such constitutional measures to Congress as may be necessary and proper to secure encouragement and protection to the great interests of agriculture, commerce, and manufactures; to improve our rivers and harbours; to provide for the speedy extinguishment of the public debt; to enforce a strict accountability on the part of all officers of the government, and the utmost economy in all public expenditures. But it is for the wisdom of Congress itself, in which all legislative powers are vested by the Constitution, to regulate these and other matters of domestic policy. I shall look with confidence to the enlightened patriotism of that body to adopt such measures of conciliation as may harmonise conflicting interests, and tend to



perpetuate that Union which should be the paramount object of our hopes and affections. In any action calculated to promote an object so near the heart of every one who truly loves his country, I will zealously unite with the co-ordinate branches of the government.

“In conclusion, I congratulate you, my fellow-citizens, upon the high state of prosperity to which the goodness of Divine Providence has conducted our common country. Let us invoke a continuance of the same protecting care which has led us from small beginnings to the eminence we this day occupy, and let us seek to deserve that continuance by prudence and moderation in our councils; by well-directed attempts to assuage the bitterness which too often marks unavoidable differences of opinion; by the promulgation and practice of just and liberal principles; and by an enlarged patriotism which shall acknowledge no limits but those of our own wide-spread republic.”

As is customary on the incoming of an administration, the Senate continues in session to confirm or reject such nominations as the President may present, either for members of his cabinet, foreign embassies, or for other minor appointments in the public service. In conformity with this practice, the President nominated as his cabinet:—Hon. John M. Clayton, of Delaware, Secretary of State; Hon. William M. Meredith, of Pennsylvania, Secretary of the Treasury; Hon. Thomas Ewing, of Ohio, Secretary of the Interior; Hon. George W. Crawford, of Georgia, Secretary of War; Hon. William Ballard Preston, of Virginia, Secretary of the Navy; Hon. Jacob Collamer, of Vermont, Postmaster-General; Hon. Reverdy Johnson, of Maryland, Attorney-General: all of whom were confirmed by the Senate.

On the 3rd of March, 1849, Congress passed an Act appointing the Secretary of State, Attorney-General, and Postmaster-General, a Census Board, “to prepare and cause to be printed such forms and schedules as might be necessary for the full enumeration of the inhabitants of the United States; and also proper forms and schedules for collecting, in statistical tables, under proper heads, such information as to mines, agriculture, commerce, manufactures, education, and other topics, as will exhibit a full view of the pursuits, industry, education, and resources of the country; it being provided that the number of said inquiries, exclusive of the enumeration, shall not exceed 100.”

The population of the United States was found by this to be 23,191,876; of whom 19,553,068 were whites, 434,495 free coloured, and 3,204,313 slaves (blacks). By the census taken ten years previously (1840), the population was 17,069,453; of whom 14,195,695 were whites, 386,303 free coloured, and 2,487,455 slaves. The total native free population of 1850 was 17,737,578; that of foreign birth 2,249,993. Of those born in foreign countries there were—Irish, 961,719; Germans, 573,225; English, 278,675; British Americans, 147,711; Scotch, 70,550; Welsh, 29,868; French, 54,069; Swiss, 13,358; Norwegians, 12,678; Prussians, 10,549; Mexicans, 13,317; Dutch, 9,848; West Indians, 5,772; Swedes, 3,559; Danes, 1,838; Russians, 1,414; Spaniards, 3,113; Portuguese, 1,274; Belgians, 1,313; Italians, 3,645; South Americans, 1,543; the balance being natives of Turkey, Austria, Sardinia, Greece, China, Africa, Central America, Sandwich Islands, and other parts of the world.

The number of births during the year ending June 1st, 1850 (including only those surviving on that day), amongst the white and free coloured was 548,835 ; the slaves, 80,609 ; being an increase amongst the whites and free coloured of 2.74 per cent., and among the slaves, 3.24 per cent.

The number of dwellings of the white and free coloured population was 3,362,337, and the number of families, 3,598,240.

The number of churches in the United States and territories was 38,061 ; the value of church property, 87,328,801 dollars.

The value of the property of the leading sects was—Methodist, 14,822,870 dollars ; Presbyterian, 14,543,789 dollars ; Episcopalian, 11,375,010 dollars ; Baptist, 11,020,855 dollars ; Roman Catholic, 9,256,758 dollars ; Congregationalist, 7,970,195 ; Dutch Reformed, 4,096,880 dollars ; Lutheran, 2,854,286 dollars.

The church accommodations would seat 14,234,825 persons.

The number of children attending school was—white, 4,063,046, of whom 2,146,432 were males, and 1,916,614 females. Free coloured, 26,461, of whom were males 13,864, and females 12,597. Of the children attending school, 3,942,081 were natives, and 147,426 of foreign birth.

The number of public schools was 80,991 ; teachers, 92,000 ; pupils, 3,354,173. The annual income of the public schools was 9,591,530 dollars ; of which there was received from endowment, 182,594 dollars ; from taxation, 4,686,414 dollars ; from public funds, 2,574,669 dollars ; and from other sources, 2,147,853 dollars.

The number of colleges was 234 ; teachers in the same, 1,651 ; pupils, 27,159. The annual income was 1,916,628 dollars ; of which there was received from endowment, 452,314 dollars ; from taxation, 15,485 dollars ; from public funds, 184,549 dollars ; and from other sources, 1,264,280 dollars.

The number of academies and other private schools was 6,032 ; teachers, 12,207 ; pupils, 261,362. The annual income was 4,653,842 dollars ; of which there was received from endowment, 288,855 dollars ; from taxation, 14,202 dollars ; from public funds, 114,798 dollars ; and from other sources, 4,235,987 dollars.

The number of adults over 20 years of age who could not read and write was, of whites, 962,898 ; of whom 389,664 were males, and 573,234 females. Of the free coloured population, 90,522 ; of whom 40,722 were males, and 49,800 females.

The public libraries of the United States were 10,199, containing 3,753,164 volumes.

The number of newspapers and periodicals published was 2,526 ; their circulation was 5,183,017 ; and the number of copies printed annually was 426,409,978.

The total value of the real estate and personal property of the United States and territories, by this census, was 7,066,562,966 dollars.

The total number of the free male population of the United States over 15 years of age engaged in professions, occupations, and trades, by the census of 1850, was 5,371,876. Of this number 2,400,583 were engaged in agricultural pursuits ; 1,596,265 in commerce, trade, manufactures, mechanical arts, and



mining; 993,620 in labour, not agricultural; 116,341 in sea and river navigation; 94,515 in law, medicine, and divinity; 95,814 in other pursuits requiring education; government civil service, 24,566, &c. &c.

The number of acres in farms was, *improved*, 113,032,614; *unimproved*, 180,528,000. Cash value of farms, 3,271,575,426 dollars; and the value of farming implements, 151,587,638 dollars. The value of live stock, viz.:—horses, asses and mules, milch cows, working oxen, other cattle, sheep, and swine, was 544,180,516 dollars. Value of animals slaughtered during the year, 111,703,142 dollars.

Of the principal agricultural productions there was produced:—wheat, 100,485,944 bushels; Indian corn, 592,071,104 bushels; rice, 215,313,497 lbs.; tobacco, 199,752,655 lbs.; ginned cotton, 2,469,093 bales of 400 lbs. each; cane sugar, 247,577 hogsheads of 1,000 lbs. each. The production of butter was 313,345,306 lbs., and of cheese there was produced 105,535,893 lbs.

We append for comparison the production of such of these articles as were taken by the census of 1840:—wheat, 84,823,272 bushels; Indian corn, 377,531,875 bushels; rice, 80,841,422 lbs.; tobacco, 219,163,319 lbs.; ginned cotton, 1,976,198 bales of 400 lbs. each; cane sugar, 155,100 hogsheads of 1,000 lbs. each.

The number of miles of railroads in the United States in 1850 was 8,588 $\frac{79}{100}$ .

The increase of the population from the time of the first enumeration of 1790 was made, with the ratio of increase every decennial period, can be seen from the following table:—

Population by census of 1790	.	3,929,827			
Ditto	1800	.	5,305,925	Ratio of increase from 1790	. 35.01 per cent.
Ditto	1810	.	7,239,814	"	1800 . 36.45 "
Ditto	1820	.	9,654,596	"	1810 . 33.35 "
Ditto	1830	.	12,866,020	"	1820 . 33.26 "
Ditto	1840	.	17,069,453	"	1830 . 32.67 "
Ditto	1850	.	23,191,876	"	1840 . 35.87 "

This rapid increase of population arose partly from immigration, which was anticipated and encouraged by the Continental Congress. The Hon. Silas Deane, one of the commissioners sent to Europe by that body, expressed the expectation that if the colonies succeeded in establishing their independence the immigration from the Old World would be prodigiously increased; and, as a consequence, the cultivated lands would rise in value, and new lands would be brought into market.

From a survey of the irregular data previous to 1819, furnished by Dr. Seybert, Professor Tucker, and other statista, it appears that from 1790 to 1800 about 50,000 Europeans, or "aliens," arrived in America. In the next ten years the foreign arrivals were about 70,000, and in the ten years following, 114,000, ending with 1820.

The arrival of passengers from foreign countries has been officially recorded at the custom houses since 1819 by Act of Congress. It appears from these records that the number of alien passengers arriving in the United States by sea

from foreign countries, from September 30th, 1819, to September 30th, 1849, a period of 30 years, was 2,094,220. What available means this large number of immigrants possessed there is no accurate means of knowing; but from an account that was kept by the Commissioners of Emigration of the city of New York for upwards of two years, it appeared that each immigrant averaged, during that period, above one hundred dollars in ready cash. If, therefore, it is assumed that that sum was an average of the amount each of these immigrants possessed upon arriving in the country, the aggregate sum brought, during the 30 years from 1819 to 1849, would be 209,422,000 dollars.

In connection with these statistics should be given the following statement of the territorial extent of the United States, on the assumption of the presidential office by General Taylor:—

	Square miles.
Area of the Pacific slope, or of the region watered by rivers falling into the Pacific . . . . .	778,266
Area of the Mississippi Valley, or of the region watered by the Mississippi and Missouri and their tributaries . . . . .	1,237,311
Area of the Atlantic slope . . . . .	637,100
Area of the Atlantic slope, including only the waters falling into the Gulf of Mexico west of the Mississippi . . . . .	183,646
Area of the Atlantic slope, including only the waters falling into the Gulf of Mexico east of the Mississippi . . . . .	146,830
Total of the Atlantic slope, or of the region whose waters fall into the Atlantic . . . . .	967,576
Total of the United States and their Territories . . . . .	2,983,153

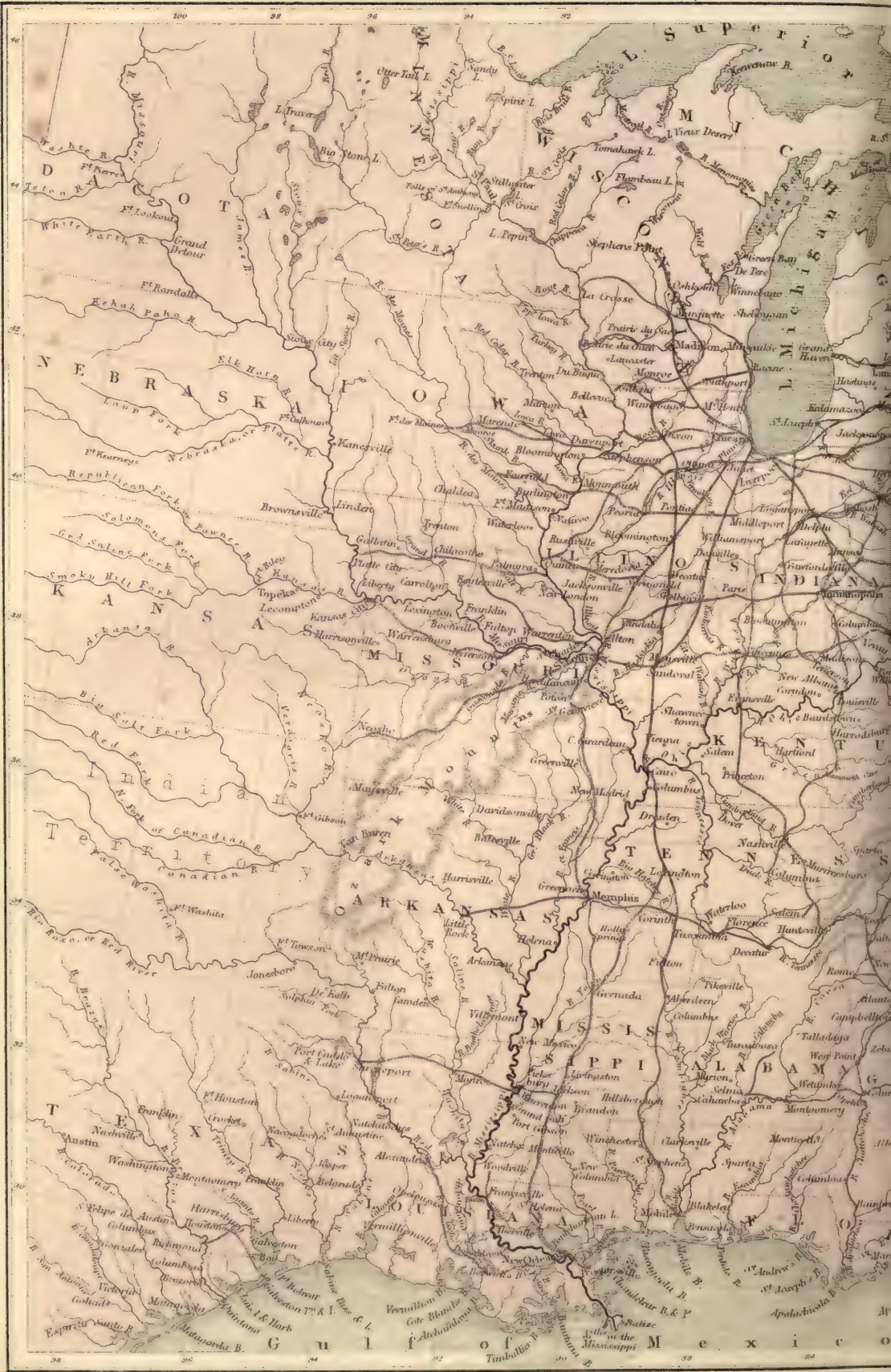
CHAPTER II.

DISCOVERY OF GOLD IN CALIFORNIA.—ACTS OF CONGRESS RELATING TO THE DISCOVERY OF MINERALS.

THE discovery of the gold mines in the territory of California forms a very important era in the history of the United States, whether regarded from a social, political, or financial point of view. In that region, the periodical spring floods, arising from the melting of the snows on the mountains, causes the overflow of most of the rivers and streams meandering throughout the country. A Captain Sutter, a resident of California for many years previous to its cession to the United States, found, on the occupation of the territory by the Federal troops, a good sale for his agricultural produce. Having accumulated some money, and finding that the protection given by the army caused many persons from the old states to migrate thither, he conceived the idea of building a saw-mill to supply the immigrants with materials for building. In the early part of the year 1848 he employed workmen to build for him a dam alongside of the Sacramento river,











Scale of English Miles

Railways

UNITED STATES

NEW ENGLAND DIVISION ON AN ENLARGED SCALE

Longitude

West

of

Greenwich

24

72

76





so that he could have water to drive his mill. The mill-dam had just been completed, when a flood of unprecedented extent and violence occurred. Captain Sutter, fearing for the safety of his dam, sent his foreman down to look after it. Upon arriving at the spot he beheld, with consternation, the havoc that had been made with the work of many months, and the total destruction of the dam. While surveying the ruins, his attention was attracted to a bar which had formed, upon which he discovered a large quantity of shining particles. As a mere curiosity he gathered up several handfuls to show them to his employer. Arriving at the fort—at forty miles distance, where Captain Sutter had fortified his residence to protect himself from the Indians, and called his place Fort Sutter—he communicated the news of the devastation of the flood, and produced at the same time the metallic specimens he had gathered on the bar. The captain, who had been a Prussian officer, and was somewhat of a metallurgist, inspected the parcel carefully, and pronounced the shining particles to be gold. He communicated the information to his neighbours, and thereupon a rush—or, as it is called in America, a *stampede*—was made for the locality. The news spread from neighbourhood to neighbourhood, and soon almost every American and European resident in the territory abandoned his occupation, and betook himself to gold washing and digging. At this time it was estimated there were (exclusive of Indians) but 26,000 in that territory. As the news reached the Federal troops stationed in the territory, desertions became general, and the officers wrote to the authorities at Washington that it was of no use to send reinforcements, as every file sent to bring back the deserters disappeared in the “diggings.” When the news reached the seaports, nearly every sailor abandoned his vessel for the more alluring pursuit of gold. Numerous instances were known of men, having two years’ wages due to them, who ran away to the mines without claiming it, rather than be behind in the struggle for hidden wealth. Sailors’ wages in the port of California rose to 100 dollars per month, and even at that price it was exceedingly difficult to man a vessel. The first news of the discovery of gold, to which almost universal credence was given, that reached the Atlantic shore, was received in New York in December, 1848, and published in the *Sun* newspaper. A letter from Thomas O. Larkin, United States Consul at Monterey, California, dated September 1st, 1848, stated that “he knew men without capital who were realising 100 dollars per day. So plentiful was gold that it was selling at 120 dollars per pound; there was not currency or coin enough to pay for it at 10 dollars per ounce. At this time it was supposed there was over 1,000,000 dollars that had been obtained from the mines.” The whole country was in a perfect furore. Every one that could was preparing for California. Some idea may be formed of the excitement from the fact that on the 15th December, 1848, only six days after the news was published, upwards of forty vessels, including three steamers, were advertised for California. Letter after letter was received from the gold diggings, all giving glowing accounts of the immense wealth to be obtained only by labour. Flour was worth 32 dollars per barrel; cotton shirts, 10 dollars each; boards, 500 dollars per 1000 feet; carpenters, 100 dollars per day; labourers, 18 to 20 dollars per day. Notwithstanding the different confirmatory accounts, there were some unbelievers who thought the whole was a delusion.

It was authoritatively stated that the Spanish government had sent out a commission, who had examined the whole region where the gold was discovered, and who had made a report to the government that there was no gold in that quarter. This did not cool the ardour of the people, for in the course of the year 1849, there arrived at San Francisco by sea alone, 91,415 persons, and it is estimated that upwards of 30,000 went overland to the mines.

In the month of September, 1848, a contract was made by Messrs. Howland and Aspinwall with the United States government to carry a monthly mail (*vid* Chagres and Panama) from New York to San Francisco.

In speaking of the gold mines of California, we shall endeavour briefly to give a summary of the various Acts which have been passed by Congress, having particular reference to the discovery of any minerals on the public lands of the United States. In the ordinance of 1785, for the disposal of lands in the "Western Territory," it is ordered that there shall be reserved "one-third part of all gold, silver, lead, and copper mines, to be sold or otherwise disposed of as Congress shall hereafter direct." Some fifteen years afterwards authority was given for leasing such lands. At a later period, in 1807, the power to lease was confined to lead mines. In the Canadian Bounty Land Act, of 1816, lead mines and salt springs were excluded from location, and by an Act of the same year, relating to settlers on the public lands of the United States, no permission to work a lead mine or salt spring could be given without the approbation of the President.

Congress, by an Act of the 3rd March, 1829, conferred authority on the President to expose to sale as other public lands "the reserved lead mines and contiguous lands in the state of Missouri," with this qualification: that at least six months' public notice should be given, "with a brief description of the mineral region in Missouri, and the lands to be offered for sale, showing the number and the localities of the different mines then known, the probability of discovering others, the quality of the ore, the facilities for working it, the further facilities, if any, for the manufacture of shot, sheet-lead, and paints, and the means and expense of transporting the whole to the principal markets of the United States."

Thereafter, by an Act of 11th July, 1846, Congress ordered "the reserved lead mines and contiguous lands in the states of Illinois and Arkansas," and the then "territories of Wisconsin and Iowa," to be exposed to sale as other public lands, with this exception: that six months' notice be given, with brief description of the mineral region, as required by the Act of 1829 respecting Missouri; stipulating further that such lands should not be subject to pre-emption until after public offering, and if unsold then, subject to private entry; that upon proof to the registrar and receiver of any tract containing lead ore, and of being so worked, no bid should be received at less than 2 dollars 50 cents\* per acre; but if not sold at that price, nor entered at private sale within twelve months thereafter, to be subject to sale as other public lands.

Congress, by Act of 1st March, 1847, ordered the organisation of the Lake Superior district, in the upper peninsula of Michigan; directed that a geogra-

\* One dollar and twenty-five cents per acre is the minimum price fixed by Congress for all other public lands.



phical examination and survey be made of these lands; and conferred authority on the President for the public sale, after six months' notice, of such land as contained "copper, lead, or other valuable ores," with description of locality of mines, &c., the minimum price at public sale to be 5 dollars per acre; and when not thus disposed of at public auction, to be subject to private sale at that price.

By Act of March 3rd, 1847, the Chippewa land district in Wisconsin (formerly Ouisconsin) was organised, a geological examination and survey ordered, and the lands disposed of in like manner to those in the Lake Superior district, in Michigan.

Some three years subsequently, however, the Act of 26th September, 1850, ordered the mineral lands in the Lake Superior district, in Michigan, and Chippewa district, in Wisconsin, to be offered at public sale in the same manner, at the same minimum, and with the same rights of pre-emption as other public lands, but not to interfere with leasing rights.

By Act of 27th September, 1850, creating the office of surveyor-general of Oregon, providing for surveys, and making donations to settlers, it was directed that "no mineral lands, nor lands reserved for salines, shall be liable to any claim under, and by virtue of, the provisions" of that Act.

In the 14th article of the treaty with Peru, concluded on the 26th July, 1851, it is agreed upon that "Peruvian citizens shall enjoy the same privileges in frequenting the mines, and in digging or working for gold upon the public lands situated in the state of California, as are, or may hereafter be, accorded by the United States of America to the citizens and subjects of the most friendly nations."

Subsequently Congress, in providing, by an Act of the 3rd March, 1853, "for the survey of public lands in California, the granting pre-emption rights therein, and for other purposes," directed that "none other than township lines shall be surveyed where the lands are mineral, or are deemed unfit for cultivation," excluding in express terms "mineral lands" from the Pre-emption Act of 4th September, 1841, and further interdicting "any person" from obtaining "the benefits of this Act by a settlement or location on mineral lands."

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### CHAPTER III.

MEETING OF CONGRESS.—PRESIDENT TAYLOR'S FIRST MESSAGE.—THE SLAVERY QUESTION IN CONGRESS: CLAY'S AND BELL'S RESOLUTIONS.—DEATH OF PRESIDENT TAYLOR, AND SUCCESSION OF FILLMORE.

THE first session of the thirty-first Congress met on the 3rd December, 1849. The Democrats in the House of Representatives presented the Hon. Howell Cobb, of Georgia, for Speaker; and the Whigs, the Hon. Robert C. Winthrop, of Massachusetts, for the same office. The contest was an excited and protracted

one, resulting in the election of the former by a plurality vote, which had been previously agreed upon, on the 63rd ballot, on the 22nd of that month; the vote being 102 for Cobb, 99 for Winthrop.

The House being thus organised, and ready to co-operate with the Senate in the legislation of the country, the two branches, by a committee from each, informed the President they were prepared to receive any message he might choose to communicate. On the 24th the President, in response thereto, sent in his first annual Message. In it he congratulated the country that it was at peace with all the nations of the world; spoke of its relations with Great Britain as of the most friendly character; referred to the recent alterations in the British Navigation Laws as productive of benefit to both countries; and mentioned the slight interruption of diplomatic intercourse with France as having terminated amicably. Referring to a war-steamer belonging to the German empire which had been fitted out in the harbour of New York, with the aid of some naval officers, and by the sanction of the Secretary of the Navy, he explained that this permission was granted during an armistice between that empire and the kingdom of Denmark. Being apprehensive that this act might be viewed as a violation of the neutral obligations of the United States incurred by the treaty with Denmark, he directed that no further aid should be rendered by any agent or officer of the navy, and had instructed the Secretary of State to apprise the minister of the German empire to that effect, which happily had been regarded by the belligerent powers interested in the matter.

Relative to an armed expedition, which he had been informed was about being fitted out from Federal ports, to invade the island of Cuba, he had issued a proclamation to suppress the expedition, and to prevent the invasion. This action on his part he had felt due to the friendly relations existing between the United States and Spain; to the treaty between the two nations; but above all, to American honour. The expedition had been suppressed. While this expedition was in progress (the President went on to say), a foreigner, who claimed American protection, had been clandestinely carried off in a vessel from New Orleans to the island of Cuba. To vindicate the honour of the country, and the right of every person seeking an asylum on Federal soil to the protection of the laws, he had demanded from the authorities of Spain his surrender, which was promptly complied with.

With regard to the finances of the government, the President said that the receipts into the Treasury for the fiscal year ending in June were—in cash, 48,830,097 dollars, 50 cents; in Treasury notes funded, 10,833,000 dollars; aggregating 59,663,097 dollars, 50 cents. The expenditure, 46,798,667 dollars, 80 cents, in cash, and 10,833,000 dollars in Treasury notes funded.

The President recommended a revision of the existing tariff, to augment the revenue; submitted to the wisdom of Congress the policy of continuing the sub-treasury system; and remarked that if continued, important modifications were required. He would strongly recommend the establishment of an Agricultural Bureau. Anticipating the application of California for admittance as a state in the Union (she having held a convention and formed a constitution), he recommended it to the favourable consideration of Congress. The establishment of a branch mint in California was also recommended, affording, as it would, important facilities



to those engaged in mining, as well as to the government, for the disposition of its mineral lands. He also recommended the establishment of commissions by Congress to examine and decide upon the validity of the subsisting land titles in California and New Mexico; and also that provision be made for the establishment of the offices of surveyor-general in New Mexico, California, and Oregon, for surveying and bringing into market the public lands in those territories. He urged a survey of several proposed routes for a railroad connecting the Atlantic with the Pacific, and an estimate of the cost of its construction and support, as deserving the special attention of Congress. He also urged early appropriations for continuing the river and harbour improvements, which had been already begun; and an increase of the several corps of the army on the western posts, owing to an increase of territory from the cession made by Mexico.

As the legislation of Congress, for a number of years forward, will have reference to the question of Slavery, it is deemed advisable to give the text of the several laws bearing upon that subject, to the period of General Taylor's inauguration.

#### FUGITIVE SLAVE LAW OF 1793.

*"An Act respecting fugitives from justice, and persons escaping from the service of their masters.*

"Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the executive authority of any State in the Union, or of either of the Territories north-west or south of the river Ohio, shall demand any person, as a fugitive from justice, of the executive authority of any such State or Territory to which such person shall have fled, and shall, moreover, produce the copy of an indictment found, or an affidavit made before a magistrate of any State or Territory as aforesaid, charging the person so demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged fled, it shall be the duty of the executive authority of the State or Territory to which such person shall have fled, to cause him or her to be arrested and secured, and notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. But if no such agent shall appear within six months from the time of the arrest, the prisoner may be discharged. And all costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand, shall be paid by such State or Territory.

"Sec. 2. That any agent appointed as aforesaid, who shall receive the fugitive into his custody, shall be empowered to transport him or her to the State or Territory from which he or she shall have fled. And if any person or persons shall by force set at liberty or rescue the fugitive from such agent while transporting as aforesaid, the person or persons so offending shall, on conviction, be fined not exceeding five hundred dollars, and be imprisoned not exceeding one year.

"Sec. 3. That when a person held to labour in any of the United States,

or in either of the Territories on the north-west or south of the river Ohio under the laws thereof, shall escape into any other of the said States or Territories, the person to whom such labour or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labour, and to take him or her before any judge of the circuit or district courts of the United States, residing or being within the State, or before any magistrate of a county, city, or town corporate wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such judge or magistrate, either by oral testimony or affidavit, taken before and certified by a magistrate of any such State or Territory, that the person so seized or arrested doth, under the laws of the State or Territory from which he or she fled, owe service or labour to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labour to the State or Territory from which he or she fled.

"Sec. 4. That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney, in so seizing or arresting such fugitive from labour, or shall rescue such fugitive from such claimant, his agent or attorney, when so arrested pursuant to the authority herein given or declared, or shall harbour or conceal such person after notice that he or she was a fugitive from labour as aforesaid, shall, for either of the said offences, forfeit and pay the sum of five hundred dollars; which penalty may be recovered by and for the benefit of such claimant by action of debt in any court proper to try the same; saving, moreover, to the person claiming such labour or service his right of action for or on account of the said injuries, or either of them.

"Approved, February 12th, 1793."

On the opening of Congress, the most exciting and troublesome question to deal with was that of slavery. The recent acquisition of territory from Mexico had awakened an unusual degree of acerbity of temper of a sectional character, between those who desired the extension of slavery over the new territory, and those who insisted on its being confined within the limits it then occupied. It was in the hope of composing the public mind, and restoring harmony to a distracted country, that, on the 29th of January, 1850, Mr. Henry Clay, of Kentucky, submitted to the Senate the following preamble and resolutions:—

"It being desirable for the peace, concord, and harmony of the Union of these States, to settle and adjust all existing questions of controversy between them, arising out of the institution of slavery, upon a fair, equitable, and just basis; therefore—

"1st. Resolved,—That California, with suitable boundaries, ought upon her application to be admitted as one of the states of this Union, without the imposition by Congress of any restriction in respect to the exclusion or introduction of slavery within those boundaries.

"2nd. Resolved,—That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from



the Republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into or exclusion from any part of the said territory ; and that appropriate territorial governments ought to be established by Congress in all of the said territory not assigned as the boundaries of the proposed state of California, without the adoption of any restriction or condition on the subject of slavery.

"3rd. Resolved,—That the western boundary of the state of Texas ought to be fixed on the Rio del Norte, commencing one marine league from its mouth, and running up that river to the southern line of New Mexico ; thence with that line eastwardly, and so continuing in the same direction to the line as established between the United States and Spain, excluding any portion of New Mexico, whether lying on the east or west of that river.

"4th. Resolved,—That it is proposed to the state of Texas, that the United States will provide for the payment of all that portion of the legitimate and *bona fide* public debt of that state contracted prior to its annexation to the United States, and for which the duties on foreign imports were pledged by the said state to its creditor, not exceeding the sum of — dollars, in consideration of the said duties, so pledged, having been no longer applicable to that object after the said annexation, but having had henceforward become payable to the United States, and upon the condition also that the said state of Texas shall, by some solemn and authentic act of her legislature, or of a convention, relinquish to the United States any claim which it has to any part of New Mexico.

"5th. Resolved,—That it is inexpedient to abolish slavery in the district of Columbia whilst that institution continues to exist in the state of Maryland, without the consent of that state, without the consent of the people of the district, and without just compensation to the owners of slaves within the district.

"6th. But, Resolved,—That it is expedient to prohibit within the district the slave trade in slaves brought into it from states or places beyond the limits of the district, either to be sold therein as merchandise, or to be transported to other markets without the district of Columbia.

"7th. Resolved,—That more effectual provision ought to be made by law, according to the requirement of the constitution, for the restitution and delivery of persons bound to service or labour in any state who may escape into any other state or territory in the Union.

And "8th. Resolved,—That Congress has no power to prohibit or obstruct the trade in slaves between the slave-holding states, but that the admission or exclusion of slaves, brought from one into another of them, depends exclusively upon their own particular laws."

Upon these resolutions, a spirited, lengthy, and able debate ensued. On their presentation, Mr. Clay rose and introduced the discussion. In the course of his remarks he said :—

"Taken together, in combination, these resolutions propose an amicable arrangement of all questions in controversy between the free and the slave states, growing out of the subject of slavery." With regard to the first resolu-

tion, he said, "It must be acknowledged that there has been some irregularity in the movements which have terminated in the adoption of a constitution by California, and in the expression of her wish—not yet formally communicated to Congress, it is true, but which may be anticipated in a few days—to be admitted into the Union as a state. There has been some irregularity in the manner in which they have framed that constitution. It was not preceded by any Act of Congress, authorising the convention, and designating the boundaries of the proposed state, according to all the early practice of this government—according to all the cases of the admission of new states into this Union which occurred prior, I think, to that of Michigan. . . . I recollect that at the time when Michigan thus presented herself, I was opposed, in consequence of that deviation from the early practice of the government, to the admission. The majority determined otherwise; and it must be in candour admitted that California has much more reason to do what she has done, unsanctioned and unauthorised by a previous Act of Congress, than Michigan had to do what she did. . . . The resolution proposes her admission when she applies for it. There is no intention on my part to anticipate such an application, but I thought it right to present this resolution as a part of the general plan which I propose for the adjustment of these unhappy difficulties. The second resolution proposes, in the first instance, a declaration of two truths—one of law and the other of fact. The truth of law which it declares is, that there does not exist, at this time, slavery within any portion of the territory acquired by the United States from Mexico. . . . The next truth which the resolution asserts is, that slavery is not likely to be introduced into any portion of that territory. That is a matter of fact; and all the evidence upon which the fact rests is, perhaps, as accessible to other senators as it is to me." . . . In support of this fact, Mr. Clay said, "that California herself has met in convention, and by a unanimous vote, embracing in that body slaveholders from the state of Mississippi as well as from other parts, who concurred in the resolution—that California, by a unanimous vote, has declared against the introduction of slavery within her limits. I think, then, that taking this leading fact in connection with all the evidence we have from other sources on the subject, I am warranted in the conclusion which constitutes the second truth which I have stated in this resolution. . . . The latter part of that resolution asserts that it is the duty of Congress to establish appropriate territorial governments within all the country acquired from Mexico, exclusive of California, not embracing in the Acts by which these governments shall be constituted either a prohibition or an admission of slavery. . . . The next resolutions are the third and fourth, which, having an immediate connection with each other, should be read and considered together. . . . I must say that there is plausibility, to say the least of it, in the pretensions that she (Texas) sets up to New Mexico. I do not think they constitute or demonstrate the existence of a good title, but a plausible one." Mr. Clay therefore proposed the third resolution to define the limits of Texas. The fourth resolution was to assume that portion of the debt of Texas, created previous to annexation, for which the duties received upon imports from foreign countries was pledged by Texas at a time when she had authority to make pledges, con-



ditioned upon the relinquishment to the United States by Texas of all her claim to New Mexico. . . . . The fifth and sixth resolutions are somewhat connected together. The former "declares that the institution of slavery should not be abolished in the district of Columbia without the concurrence of three conditions—1st, the assent of Maryland; 2nd, the assent of people within the district; and 3rd, compensation to the owners of the slaves within the district for their property. The sixth resolution requires no comment. The seventh is so evident," said Mr. Clay, "and has been so clearly shown by the debate which has already taken place on the subject, that I have not now occasion to add another word. The last resolution," Mr. Clay said, "merely asserts a truth, established by the highest authority of law in this country, and in conformity with that decision I trust there will be one universal acquiescence. I should not have thought it necessary to embrace in that resolution the declaration which is embraced in it, but that I thought it might be useful in treating of the whole subject, and in accordance with the practice of our British and American ancestors, occasionally to resort to great fundamental principles, and bring them freshly and manifestly before our eyes, from time to time, to avoid their being violated upon any occasion.

"Mr. President, you have before you the whole series of resolutions, the whole scheme of arrangement and accommodation of these distracting questions which I have to offer, after having bestowed on these subjects the most anxious, intensely anxious, consideration ever since I have been in this body. . . . . I think it ought to be acceptable to both parties. There is no sacrifice of any principle proposed in any of them by either party. The plan is founded upon mutual forbearance, originating in a spirit of conciliation and concession; not of principles, but of matters of feeling. At the North, sir, I know that from feeling—by many at least cherished as being dictated by considerations of humanity and philanthropy—there exists a sentiment adverse to the institution of slavery. . . . . But there are other reasons why concession upon such a subject as this should be more liberal, more expansive, coming from the free than from the slave states. It is, as I remarked, a sentiment—a sentiment of humanity and philanthropy—on your side. Ay, sir, and when a sentiment of that kind is earnestly and honestly cherished—with a disposition to make sacrifices to enforce it—it is a noble and beautiful sentiment; but, sir, when the sacrifice is not to be made by those who cherish that sentiment and inculcate it, but by another people, in whose situation it is impossible, from their position, to sympathise and to share all and everything that belongs to them; I must say to you, senators from the free states, it is a totally different question. On your side, it is a sentiment without sacrifice; a sentiment without danger; a sentiment without hazard, without peril, without loss. But how is it on the other side, to which, as I have said, a greater amount of concession ought to be made in any scheme of compromise? In the first place, sir, there is a vast and incalculable amount of property to be sacrificed; and to be sacrificed, not by your sharing in the common burdens, but exclusive of you. And this is not all. The social intercourse, habit, safety, property, life, everything is at hazard in a greater or less degree in the slave states. Sir, look at that storm which is now raging before you, beating in all its rage

pitilessly on your family. They are in the South. But where are your families—where are your people, senators from the free states? They are safely housed, enjoying all the blessings of domestic comfort, peace, and quiet, in the bosom of their own families. Behold, Mr. President, that dwelling-house now wrapped in flames. Listen, sir, to the rafters and beams which fall in succession amid the crash; and the flames ascending higher and higher as they tumble down. Behold those women and children who are flying from the calamitous scene, and with their shrieks and lamentations imploring the aid of high heaven. Whose house is that? Whose wives and children are they? Yours, in the free states? No! You are looking on in safety and security whilst the conflagration which I have described is raging in the slave states, and produced, not intentionally by you, but produced from the inevitable tendency of the measures which you have adopted, and which others have carried far beyond what you have wished. In the one scale, then, we behold sentiment, sentiment, sentiment alone; in the other property, the social fabric, life, and all that makes life desirable and happy.”

The discussion on Mr. Clay's resolutions having continued for a month, and opposition to their adoption in nowise slackening, on the 28th February, Mr. John Bell, of Tennessee, submitted to the Senate the following propositions:—

“Whereas—Considerations of the highest interest to the whole country demand that the existing and increasing dissensions between the North and the South, on the subject of slavery, should be speedily arrested, and that the questions in controversy be adjusted upon some basis which shall tend to give present quiet, repress sectional animosities, remove as far as possible the causes of future discord, and secure the uninterrupted enjoyment of those benefits and advantages which the Union was intended to confer, in equal measure, on all its members;

“And whereas—It is manifest, under present circumstances, that no adjustment can be effected of the points of difference unhappily existing between the Northern and Southern sections of the Union, connected with the subject of slavery, which shall secure to either section all that is contended for, and that mutual concessions upon questions of mere policy, not involving the violation of any constitutional right or principle, must be the basis of every project affording any assurance of a favourable acceptance;

“And whereas—The joint resolution for annexing Texas to the United States, approved March 1st, 1845, contains the following condition and guaranty—that is to say: ‘New states, of convenient size, not exceeding four in number, in addition to said state of Texas, and having sufficient population, may hereafter, by the consent of said state, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal constitution; and in such states as may be formed out of that portion of said territory lying south of 36° 30' north latitude, commonly known as the Missouri Compromise Line, slavery, or involuntary servitude (except for crime), shall be prohibited.’ Therefore—

“1st. Resolved,—That the obligation to comply with the condition and guaranty above recited in good faith be distinctly recognised, and that, in part compliance with the same, as soon as the people of Texas shall, by an Act of



their legislature, signify their assent, by restricting the limits thereof within the territory lying east of the Trinity and south of the Red River, and when the people of the residue of the territory claimed by Texas adopt a constitution republican in form, they be admitted into the Union upon an equal footing in all respects with the original states.

"2nd. Resolved,—That if Texas shall agree to cede, the United States will accept, a cession of all the unappropriated domain in all the territory claimed by Texas lying west of the Colorado, and extending north to the forty-second parallel of north latitude, together with the jurisdiction and sovereignty of all the territory claimed by Texas north of the thirty-fourth parallel of north latitude, and to pay therefore a sum not exceeding — millions of dollars, to be applied in the first place to the extinguishment of any portion of the existing public debt of Texas, for the discharge of which the United States are under any obligation, implied or otherwise, and the remainder as Texas shall require.

"3rd. Resolved,—That when the population of that portion of the territory claimed by Texas lying south of the thirty-fourth parallel of north latitude, and west of the Colorado, shall be equal to the ratio of representation in Congress, under the last preceding apportionment, according to the provisions of the constitution, and the people of such territory shall, with the assent of the new state contemplated in the preceding resolution, have adopted a state constitution republican in form, they be admitted into the Union as a state, upon an equal footing with the original states.

"4th. Resolved,—That all the territory now claimed by Texas lying north of the thirty-fourth parallel of north latitude, and which may be ceded to the United States by Texas, be incorporated with the territory of New Mexico, except such part thereof as lies east of the Rio Grande and south of the thirty-fourth degree of north latitude, and that the territory so composed form a state, to be admitted into the Union when the inhabitants thereof shall adopt a state constitution republican in form, with the consent of Congress; but in the meantime, and until Congress shall give such consent, provision be made for the government of the inhabitants of said territory suitable to their condition, but without any restriction as to slavery.

"5th. Resolved,—That all the territory ceded to the United States by the Treaty of Guadalupe Hidalgo, lying west of said territory of New Mexico and east of the contemplated new state of California, for the present constitute one territory, and for which some form of government, suitable to the condition of the inhabitants, be provided, without any restriction as to slavery.

"6th. Resolved,—That the constitution recently formed by the people of the western portion of California, and presented to Congress by the President on the 18th day of February, 1850, be accepted, and that they be admitted into the Union as a state, upon an equal footing in all respects with the original states.

"7th. Resolved,—That in future the formation of state constitutions by the inhabitants of the territories of the United States be regulated by law, and that no such constitution be hereafter formed or adopted by the inhabitants of any territory belonging to the United States, without the consent and authority of Congress.

"8th. Resolved,—That the inhabitants of any territory of the United States, when they shall be authorised by Congress to form a state constitution, shall have the sole and exclusive power to regulate and adjust all questions of internal state policy, of whatever nature they may be, controlled only by the restrictions expressly imposed by the constitution of the United States.

"9th. Resolved,—That the Committee on Territories be instructed to report a bill in conformity with the spirit and principles of the foregoing resolutions."

On the 4th March ensuing, Mr. Calhoun, senator from South Carolina, being too indisposed to address the Senate on the Compromise resolutions of Mr. Clay, obtained from that body the privilege of having his remarks read by a friend. Copious extracts from it are given, inasmuch as they show the extreme Southern view of the subject at this period. In his opening remarks he said —

"I have, Senators, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all proper occasions, endeavoured to call the attention of each of the two great parties which divide the country to adopt some measure to prevent so great a disaster, but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, until it has reached a period when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and the gravest question that can ever come under your consideration: How can the Union be preserved? To give a satisfactory answer to this mighty question it is indispensable to have an accurate and thorough knowledge of the nature and the character of the cause by which the Union is endangered. Without such knowledge it is impossible to pronounce, with any certainty, by what measure it can be saved; just as it would be for a physician to pronounce, in the case of some dangerous disease, with any certainty, by what remedy the patient could be saved, without familiar knowledge of the nature and character of the cause of the disease. The first question," said Mr. Calhoun, "is, What is it that has endangered the Union? The immediate cause is the almost universal discontent which pervades all the states composing the Southern section of the Union. This widely-extended discontent is not of recent origin. It commenced with the agitation of the slavery question, and has been increasing ever since. The next question, going one step further back, is, What has caused this widely-diffused and almost universal discontent?" After combating the opinion that it originated with demagogues or politicians to retrieve their fortunes, Mr. Calhoun said, "It will be found in the belief of the people of the Southern states, as prevalent as the discontent itself, that they cannot remain, as things now are, consistently with honour and safety, in the Union. The next question is, What has caused this belief?" Mr. Calhoun enumerated, among others, the long-continued agitation of the slavery question on the part of the North, and the many aggressions which they had made on the rights of the South. The great and primary cause, however, he thought, was the fact that the equilibrium between the two sections in the government, as it stood when the constitution was ratified, and the government put in action, had been destroyed. Mr. Calhoun then gave a statistical statement, showing the relative weight of the two sections, under the first census of 1790, and the last census of 1810. By the first census there was



almost a perfect equilibrium ; by the last, in the electoral college, there would be a majority of 50. "The result of the whole," said Mr. Calhoun, "is to give the Northern section a predominance in every part of the government, and thereby concentrate in it the two elements which constitute the Federal government—a majority of states, and a majority of their population estimated in federal numbers. Whatever section concentrates the two in itself possesses the control of the entire government. Had," he continued, "this destruction been the operation of time, without the interference of government, the South would have no reason to complain ; but such was not the fact. It was caused by the legislation of this government, which was appointed as the common agent of all, and charged with the protection of the interests and security of all." Mr. Calhoun enumerated, among the Acts detrimental to the South, and helping to destroy the equilibrium between the two sections, the Ordinance of 1787, and the Missouri Compromise of 1820, considering these as the first and great cause ; and next the system of revenue and disbursements adopted by the government. Deriving its revenues mainly from duties on imports, the tax fell mainly on the exporting (which were the Southern) states. "Besides," said Mr. Calhoun, "if to this be added that many of the duties were imposed not for revenue, but for protection—that is, intended to put money, not in the Treasury, but directly into the pockets of the manufacturers—some conception may be formed of the immense amounts which have been transferred from South to North." Mr. Calhoun thereupon argued, "that as the North has the absolute control over the government, it is manifest that on all questions between it and the South, where there is a diversity of interests, the interests of the latter will be sacrificed to the former, however oppressive the effects may be, as the South possesses no means by which it can resist through the action of the government. But if there was no question of vital importance to the South, in which there was a diversity of views between the two sections, this state of things might be endured without the hazard of destruction to the South. But such is not the fact. There is a question of vital importance to the Southern section, in reference to which the views and feelings of the two sections are as opposite and hostile as they can possibly can be. I refer to the relation between the two races in the Southern section, which constitutes a vital portion of her social organisation. Every portion of the North entertains views and feelings more or less hostile to it. Those most opposed and hostile regard it as a sin, and consider themselves under the most sacred obligation to use every effort to destroy it. Indeed, to the extent that they conceive they have power, they regard themselves as implicated in the sin, and responsible for suppressing it by the use of all and every means. Those less opposed and hostile regard it as a crime—an offence against humanity, as they call it—and, although not so fanatical, feel themselves bound to use all efforts to effect the same object ; while those who are least opposed and hostile regard it as a blot and a stain on the character of what they call the nation, and feel themselves accordingly bound to give it no countenance or support. On the contrary, the Southern section regards the relation as one which cannot be destroyed without subjecting the two races to the greatest calamity, and the section to poverty, desolation, and wretchedness ; and, accordingly they feel bound, by every consideration of interest and safety, to defend it." . . .

“It is a great mistake to suppose that disunion can be effected by a single blow. The cords which bind these states together in one common Union are far too numerous and powerful for that. Disunion must be the work of time. It is only through a long process, and successively, that the cords can be snapped until the whole fabric falls asunder. Already the agitation of the slavery question has snapped some of the most important, and has greatly weakened all the others, as I shall proceed to show. The cords that bind the states together are not only many, but various in character. Some are spiritual or ecclesiastical; some political; others social. Some appertain to the benefit conferred by the Union, and others to the feeling of duty and obligation. The strongest of those of a spiritual or ecclesiastical nature consisted in the unity of the great religious denominations, all of which originally embraced the whole Union. All these denominations, with the exception, perhaps, of the Catholics, were organised very much upon the principle of our political institutions: beginning with smaller meetings, corresponding with the political divisions of the country, their organisation terminated in one great central assemblage, corresponding very much with the character of Congress. At these meetings the principal clergymen and lay members of the respective denominations, from all parts of the Union, met to transact business relating to their common concerns. It was not confined to what appertained to the doctrines and discipline of the respective denominations, but extended to plans for disseminating the Bible, establishing missionaries, distributing tracts, and of establishing presses for the publication of tracts, newspapers, and periodicals, with a view of diffusing religious information, and for the support of the doctrines and creeds of the denomination. All this combined contributed greatly to strengthen the bonds of the Union. The strong ties which held each denomination together formed a strong cord to hold the whole Union together; but, powerful as they were, they have not been able to resist the explosive effect of slavery agitation.

“The first of these cords which snapped under its explosive force was that of the powerful Methodist Episcopal Church. The numerous and strong ties which held it together are all broken, and its unity gone. They now form separate churches, and, instead of that feeling of attachment and devotion to the interests of the whole church which was formerly felt, they are now arrayed into two hostile bodies, engaged in litigation about what was formerly their common property. The next cord that snapped was that of the Baptists, one of the largest and most respectable of the denominations. That of the Presbyterians is not entirely snapped, but some of its strands have given way. That of the Episcopal Church is the only one of the four great Protestant denominations which remains unbroken and entire. The strongest cord of a political character consists of the many and strong ties that have held together the two great parties, which have, with some modifications, existed from the beginning of the government. They both extended to every portion of the Union, and strongly contributed to hold all its parts together. But this powerful cord has fared no better than the spiritual. It resisted for a long time the explosive tendency of the agitation, but has finally snapped under its force—if not entirely, in a great measure. Nor is there one of the remaining cords which has not been greatly weakened. To this extent the Union has already been destroyed by agitation, in the only way it can be,



by snapping asunder and weakening the cords which bind it together. If the agitation goes on, the same force, acting with increased intensity, as has been shown, will finally snap every cord, when nothing will be left to hold the states together, except force. But, surely, that can with no propriety of language be called a union, when the only means by which the weaker is held connected with the stronger portion is force. It may, indeed, keep them connected; but the connection will partake much more of the character of subjugation on the part of the weaker to the stronger, than the union of free, independent, and sovereign states in one confederation, as they stood in the early stages of the government, and which only is worthy of the sacred name of Union.

“ Having now, Senators, explained what it is that endangers the Union, and traced it to its source, and explained its nature and character, the question again recurs, How can the Union be saved? To this I answer, there is but one way by which it can be, and that is by adopting such measures as will satisfy the states belonging to the Southern section that they can remain in the Union consistently with their honour and their safety. There is, again, only one way by which that can be effected, and that is by removing the causes by which this belief has been produced. Do that, and discontent will cease, harmony and kind feelings between the sections be restored, and every apprehension of danger to the Union removed. The question, then, is, By what can this be done? But, before I undertake to answer this question, I propose to show by what the Union cannot be saved. It cannot, then, be saved by eulogies on the Union, however splendid or numerous. The cry of ‘Union, Union! the glorious Union!’ can no more prevent disunion than the cry of ‘Health, health! glorious health!’ on the part of the physician can save a patient lying dangerously ill. So long as the Union, instead of being regarded as a protector, is regarded in the opposite character, by not much less than a majority of the states, it will be in vain to attempt to conciliate them by pronouncing eulogies on it. Besides, this cry of Union comes commonly from those whom we cannot believe to be sincere. It usually comes from our assailants. But we cannot believe them to be sincere; for, if they loved the Union, they would necessarily be devoted to the constitution. It made the Union, and to destroy the constitution would be to destroy the Union. But the only reliable and certain evidence of devotion to the constitution is to abstain, on the one hand, from violating it, and to repel, on the other, all attempts to violate it. It is only by faithfully performing these high duties that the constitution can be preserved, and with it the Union.”

Mr. Webster, in his opening remarks, March 7th, on the Compromise resolutions of Mr. Clay, said he wished to speak, not as a Massachusetts man, nor as a Northern man, but as an American, and a member of the Senate of the United States. He proposed to review the events which had brought the country to its present political condition. He referred back to the declaration of war by the United States against Mexico in May, 1846. The result of that war was a treaty with Mexico by which a vast territory was acquired, extending seven or eight hundred miles along the shores of the Pacific Ocean, reaching back over the mountains and across the desert, until it joined the frontier of the state of Texas. “It so happened,” he said, “that before the declaration of war by the United States against Mexico had become known

in California, the people of California under the lead of American officers overthrew the existing provisional government of California, the Mexican authorities, and ran up an independent flag. When the news reached San Francisco that war had been declared by the United States against Mexico, this independent flag was pulled down, and the stars and stripes of this Union hoisted in its stead. Thus, ere the termination of the war, the naval and military authorities of the United States had possession of San Francisco and Upper California. A great rush of emigrants from all parts of the world took place into California in 1846 and 1847. In 1848 the Mormons made a discovery of an extraordinary rich mine of gold on the lower part of the south, or American, branch of the Sacramento river. They attempted for some time to conceal the discovery; but soon another discovery was made of gold in another part of the American branch of the Sacramento, and near Sutter's Fort, as it was called. The fame of these discoveries spread far and wide. They excited more and more the spirit of emigration toward California, and persons crowded in hundreds and flocked toward the bay of San Francisco. The accounts that first reached us of these discoveries were received with a good deal of incredulity; but after a while the assurances were so strong that parties went by thousands to the gold regions. Although in a time of peace," said Mr. Webster, "it became a very important subject for legislative consideration and legislative decision, to provide a proper territorial government for California; yet, differences of opinion in the councils of the government prevented the establishment of any such territorial government for California-at the last session of Congress. Under this state of things the inhabitants of San Francisco and California—then amounting to a great number of people—in the summer of last year thought it to be their duty to establish a local government. Under the proclamation of General Riley, the United States military governor of California, the people chose delegates to a convention. That convention met at Monterey. They formed a constitution for the state of California, and it was adopted by the people of California in their primary assemblages. Desirous of immediate connection with the United States, its senators were appointed and representatives chosen, who have come hither bringing with them the authentic constitution of the state of California, and they now present themselves, asking in behalf of their state admission into this Union. This constitution," said Mr. Webster, "contains an express prohibition against slavery, or involuntary servitude, in that state; which prohibition was inserted with entire unanimity. This circumstance, the prohibition of slavery, has contributed to raise the dispute as to the propriety of the admission of California into the Union."

Mr. Webster went on to say that the war with Mexico was prosecuted for the purpose of the acquisition of territory; that as the acquisition would be south of the line of the United States, it was naturally expected by the South that it would be added to the slaveholding portion of the United States. "Events have turned out otherwise; the expectation has not been realised; consequently disappointment and surprise has resulted. Therefore the question which has so long harassed the country—the question of slavery in the United States—has come upon us." Mr. Webster then proceeded to review, historically, the question of slavery. He admitted that slavery had existed in the world from time immemorial.



There was slavery among the Jews, the Greeks, and the Romans. The Greeks justified it on the ground that the African, and in some parts the Asiatic tribes, were inferior to the white race: precisely the grounds which had been assumed for such a justification in this country; that is, a natural and original difference among the races of mankind—the inferiority of the black, or coloured race, to the white. The Roman jurists, however, admitted that slavery was against the natural law, but justified it on various other grounds.

“At the introduction of Christianity into the world,” said Mr. Webster, “the Roman world was full of slaves, and I suppose there is to be found no injunction against that relation between man and man in the teachings of the Gospel of Jesus Christ, or of any of his apostles.”

“Upon the general nature and character and influence of slavery,” continued Mr. Webster, “there exists a wide difference between the Northern portion of this country and the Southern. . . . . It has taken hold of the religious sentiment of the North—as it has, more or less, taken hold of the religious feelings of a considerable portion of mankind—that slavery is a wrong; that it is not, in fact, according to the meek spirit of the Gospel; and these sentiments have been cherished recently with greatly augmented force among the people of the Northern states. The South, upon the other side, having been accustomed to this relation between the two races all their lives, from their birth—having been taught in general to treat the subjects of this bondage with care and kindness, and, I believe, in general feeling for them great care and kindness—have not yet taken this view of the subject which I have mentioned. There are thousands of religious men, with consciences as tender as any of their brethren in the North, who do not see the unlawfulness of slavery. . . . . In this respect candour obliges me to say, that I believe they are just as conscientious, many of them—and of the religious people, all of them—as they are in the North, in holding different opinions.” . . . .

Mr. Webster then proceeded to consider what was the state of sentiment, North and South, in reference to slavery at the time of the adoption of the constitution. He contended, and quoted from authentic records showing, that there was no great diversity of opinion at that time between the North and South upon the subject of slavery. It was not found that, either at the North or at the South, there was much, though there was some, invective against slavery as inhuman and cruel. Both parts of the country held it equally an evil—a moral and political evil. The great ground of objection to it was political; that it weakened the social fabric; that, taking the place of free labour, society was less strong and labour was less productive. They ascribed its existence here to the injurious policy of the mother country, who, to favour the navigation, had entailed these evils upon the colonies. The eminent men, the most eminent men, nearly all the conspicuous politicians of the South, held the same sentiments—that slavery was an “evil,” a “blight,” a “blast,” a “mildew,” a “scourge,” and a “curse.” . . . . There was a general concurrence of sentiment, if not an entire unanimity, running through the whole community. But soon a change began at the North and at the South, and a severance of opinion showed itself—the North growing much more warm and strong against slavery, and the South much more warm and strong in its support. Mr. Webster attributed this

change of sentiment on the part of the South to their present, emergent, and exigent interest. He supposed it to be owing to the sudden uprising and rapid growth of the cotton plantations of the South. "So far," said Mr. Webster, "as any motive of honour, justice, and general judgment could act, it was the cotton interest that gave a new desire to promote slavery, to spread it, and to use its labour. I again say, that that was produced by the causes which we must always expect to produce like effects: their whole interests became connected with it. If we look back to the history of the commerce of this country we will find that the exports of cotton for the year 1790-91 were not more than forty or fifty thousand dollars. It has gone on increasing rapidly until it may now, perhaps, in a season of great product and high prices, amount to a hundred millions of dollars. . . . The age of cotton became a golden age for our Southern brethren. It gratified their desire for improvement and accumulation, at the same time that it excited it. The desire grew by what it fed upon, and there soon came to be an eagerness for other territory—a new area, or new areas, for the cultivation of the cotton crop; and measures leading to this result were brought about somewhat rapidly, one after another, under the lead of Southern men at the head of the government, they having a majority in both branches to accomplish their ends." Mr. Webster here reviewed the action of the government: first, in 1802, in obtaining a cession from Georgia of the whole of her western territory, now embracing the rich and growing state of Alabama. Second, in purchasing from France, in 1803, Louisiana, out of which the states of Louisiana, Arkansas, and Missouri have been framed as slave-holding states. Third, in 1819, the cession of Florida, making another acquisition of slave-holding property and territory; and lastly, Texas—great, and vast, and illimitable Texas—was added to the Union as a slave state in 1845. "From that moment," said Mr. Webster, "the whole country, from this place to the western boundary of Texas, was fixed, pledged, fastened, decided to be slave territory for ever, by the solemn guarantees of law. And now I say, Sir, as the proposition upon which I stand this day, and upon the truth and firmness of which I intend to act until it is overthrown, that there is not at this moment within the United States, or any territory of the United States, a single foot of land, the character of which, in regard to its being free-soil territory or slave territory, is not fixed by some law, and some irrepealable law, beyond the power of the action of this government."

Mr. Webster here referred to one of the resolutions of Mr. Bell, proposing to recognise the stipulations made with Texas as to the subject of slavery, and observed "that any additional recognition would weaken the force of it, because it stands here on the ground of a contract—a thing done for a consideration. It is a law founded on a contract with Texas, and designed to carry that contract into effect. A recognition founded not on any consideration, or any contract, would not be so strong as it now stands on the face of the resolution. Now, I know no way, I candidly confess, in which this government, acting in good faith, as I trust it always will, can relieve itself from that stipulation and pledge, by any course of legislation whatever. And, therefore, I say again, that so far as Texas is concerned—the whole of Texas south of 36° 30', which I suppose embraces all the slave territory—there is no land, not an acre, the character of



which is not established by law—a law which cannot be repealed without the violation of a contract, and plain disregard of the public faith.” “How came it, then,” continued Mr. Webster, “that within these walls—where it is said by the honourable member from South Carolina, the free states have a majority—that this resolution of annexation, such as I have described it, found a majority in both Houses of Congress? Why, Sir, it found that majority by the great addition of Northern votes added to the entire Southern vote, or at least nearly the whole of the Southern votes. The majority was made up of Northern as well as of Southern votes. In the House of Representatives it stood about eighty Southern and fifty Northern votes for the admission of Texas. In the Senate the vote stood for the admission of Texas twenty-seven to twenty-five; and of these twenty-seven, no less than thirteen came from the free states.”

On the subject of slavery in California and New Mexico, Mr. Webster said that he “held slavery to be excluded from those territories by a law even superior to that which admitted and sanctioned it in Texas—he meant the law of nature—of physical geography—the law of the formation of the earth. That law settled for ever, with a strength beyond all terms of human enactment, that slavery cannot exist in California or New Mexico.” . . . . .

He went on to say—“In the excited times in which we live there is found to exist a state of crimination and recrimination between the North and the South. There are lists of grievances produced by each; and those grievances, real or supposed, alienate the minds of one portion of the country from the other, exasperate the feelings, subdue the sense of fraternal connection, and patriotic love, and mutual regard. I shall bestow a little attention, Sir, upon these various grievances, produced on the one side and on the other. I begin with the complaints of the South. I will not answer, farther than I have, the general statements of the honourable senator from South Carolina (Mr. Calhoun), that the North has grown upon the South in consequence of the manner of administering this government, in the collecting of its revenues, and so forth. These are disputed topics, and I have no inclination to enter into them. But I will state these complaints, especially one complaint of the South, which has, in my opinion, just foundation; and that is, that there has been found at the North, among individuals and among the legislators of the North, a disinclination to perform, fully, their constitutional duties, in regard to the return of persons bound to service, who have escaped into the free states. In that respect, it is my judgment that the South is right, and the North is wrong. Every member of every Northern legislature is bound by oath, like every other officer of the country, to support the constitution of the United States; and this article of the constitution, which says to these states they shall deliver up fugitives from service, is as binding in honour and conscience as any other article. No man fulfils his duty in any legislature who sets himself to find excuses, evasions, escapes from this constitutional obligation. I have always thought that the constitution addressed itself to the legislatures of the states themselves, or to the states themselves. It says, that those persons escaping to other states, shall be delivered up; and I confess I have always been of the opinion, that it was an injunction upon the states themselves. When it is said that a person escaping

into another state, and becoming therefore within the jurisdiction of that state, shall be delivered up, it seems to me the import of the passage is, that the state itself, in obedience to the constitution, shall cause him to be delivered up. That is my judgment. I have always entertained that opinion, and I entertain it now. But when the subject, some years ago, was before the Supreme Court of the United States, the majority of the judges held that the power to cause fugitives from service to be delivered up, was a power to be exercised under the authority of this government. I do not know, on the whole, that it may not have been a fortunate decision. My habit is to respect the result of judicial deliberations, and the solemnity of judicial decisions. But, as it now stands, the business of seeing that these fugitives are delivered up, resides in the power of Congress and the National Judicature; and my friend, at the head of the Judiciary Committee, has a bill on the subject now before the Senate, with some amendments to it, which I propose to support with all its provisions to the fullest extent. And I desire to call the attention of all sober-minded men, of all conscientious men, in the North, of all men who are not carried away by any fanatical idea, or by any false idea whatever, to their constitutional obligations. I put it to all the sober and sound minds at the North, as a question of morals and a question of conscience, what right have they, in all their legislative capacity, or any other, to endeavour to get round this constitution—to embarrass the free exercise of the rights secured by the constitution to the persons whose slaves escape from them? None at all—none at all. Neither in the forum of conscience, nor before the face of the constitution, are they justified, in my opinion. Of course it is a matter for their consideration. They probably, in the turmoil of the times, have not stopped to consider of this; they have followed what seemed to be the current of thought and of motives as the occasion arose, and neglected to investigate fully the real question, and to consider their constitutional obligations, as I am sure, if they did consider, they would fulfil them with alacrity. Therefore, I repeat, Sir, that here is a ground of complaint against the North, well founded, which ought to be removed—which it is in the power of the different departments of this government to remove—which calls for the enactment of proper laws, authorising the judicature of this government, in the several states, to do all that is necessary for the recapture of fugitive slaves, and for the restoration of them to those who claim them. Wherever I go, and whenever I speak on the subject—and when I speak here, I desire to speak to the whole North—I say that the South has been injured in this respect, and has a right to complain; and the North has been too careless of what, I think, the constitution peremptorily and emphatically enjoins upon it as a duty.”

Mr. Webster then referred to the complaints of the South, against certain resolutions from the legislatures of the North, not only in reference to the abolition of slavery in the district of Columbia, but in the states themselves, condemning all such action, and remarking that neither the legislatures of the states, nor any member of Congress, had anything to do with it. He then spoke of the Abolition Societies, declaring that their operations, for the last twenty years, had done nothing good or valuable. “Had the money,” said he, “that has been collected during the last twenty years by the Abolition Societies, for



Abolition presses, and Abolition lecturers, been judiciously expended, it would have freed every man, woman, and child in the state of Maryland."

After alluding to the various complaints of the North against the South—the slave representation in Congress, the extension of slave territory—the violent tirades of the Southern press and Southern men against the North, Mr. Webster referred particularly to the treatment of free blacks, employed in Northern coasting vessels, visiting the Southern ports. Their imprisonment until the vessel bringing them was ready to leave, was not only irritating, but exceedingly inconvenient in practice, and seemed altogether unjustifiable and oppressive.

During the debate on Mr. Clay's compromise resolutions, the President of the United States (Feb. 13, 1850) communicated to the Senate an authenticated copy of the constitution of the State of California, which was referred to the Committee on Territories.

The debate on Mr. Clay's resolutions having engrossed the attention of the Senate for nearly two months, on the 25th March, Mr. Douglas, from the Committee on Territories, reported the following bills:—Senate, 169. A Bill for the admission of California into the Union. Senate, 170. A Bill to establish the Territorial Governments of Utah and New Mexico, and for other purposes. These Bills were read, and passed to a second reading. The arguments *pro* and *con*, continuing on Mr. Clay's and Mr. Bell's propositions—principally upon Mr. Clay's, Mr. Bell's being only occasionally alluded to—Mr. Foote, of Mississippi, offered the following resolution:—

"*Resolved*,—That the resolutions submitted by Mr. Clay on the 29th January, together with the resolutions of Mr. Bell submitted on the 28th of February, be referred to a select committee of thirteen: *Provided*, that the Senate does not deem it necessary, and therefore declines, to express in advance any opinion, or to give any instruction, either general or specific, for the guidance of the said committee;" which resolution was adopted, and on the 19th April the Senate proceeded to elect by ballot a committee of thirteen, which included Mr. Henry Clay, chairman, General Cass, Mr. Daniel Webster, and others of less note and importance.

On the 8th May, Mr. Clay, Chairman of the Select Committee, reported at length, the views and recommendations of the report being substantially as follow:—

1. The admission of any new state or states, formed out of Texas, to be postponed until they shall hereafter present themselves to be received into the Union, when it will be the duty of Congress fairly and faithfully to execute the compact with Texas, by admitting such new state or states.

2. The admission forthwith of California into the Union, with the boundaries which she has proposed.

3. The establishment of territorial governments, without the Wilmot Proviso, for New Mexico and Utah, embracing all the territory recently acquired by the United States from Mexico, not contained in the boundaries of California.

4. The combination of these two last-mentioned measures in the same Bill.

5. The establishment of the western and northern boundaries of Texas, and the exclusion from her jurisdiction of all New Mexico, with the grant to Texas of a pecuniary equivalent; and the section for that purpose to be incorporated

in the Bill admitting California and establishing territorial governments for Utah and New Mexico.

6. More effectual enactments of law to secure the prompt delivery of persons bound to service or labour in one state, under the laws thereof, who escape into another state; and

7. Abstaining from abolishing slavery; but, under a heavy penalty, prohibiting the slave trade in the district of Columbia.

The Senate proceeded from day to day to debate the provisions of the principal Bill thus reported, commonly termed the "Omnibus."

On the 9th July, Mr. Webster asked for a suspension of the business of the Senate to announce the critical and dangerous illness of the President, and moved an adjournment, which was unanimously agreed to. The House of Representatives, upon the same melancholy information, also adjourned.

President Taylor died on Tuesday, the 9th of July, 1850, at half-past ten in the evening. On the preceding Thursday, which was the anniversary of American Independence, he was in the enjoyment of his usual health, and attended the celebration of the day at the Washington Monument. The oration was long, and the President listened to it with his head uncovered, exposed to a breeze which it was feared at the time might be detrimental to his health. Next morning he was attacked with cholera morbus; remittent fever supervened; the disease baffled all the skill of able physicians, and an hour and a half before midnight on Tuesday, his eyes were closed in their last sleep.

The next day the proceedings of both Houses of Congress were interrupted by the announcement of the death of Zachary Taylor, President of the United States, as follows:—

"Washington, July 10th, 1850.—Fellow-citizens of the Senate, and of the House of Representatives,—I have to perform the melancholy duty of announcing to you, that it has pleased Almighty God to remove from this life Zachary Taylor, late President of the United States. He deceased last evening, at the hour of half-past ten o'clock, in the midst of his family, and surrounded by affectionate friends, calmly, and in the full possession of all his faculties. Among his last words were these, which he uttered with emphatic distinctness: 'I have always done my duty. I am ready to die. My only regret is for the friends I leave behind me.' Having announced to you, fellow-citizens, this most afflicting bereavement, and assuring you it has penetrated no heart with deeper grief than mine, it remains with me to say, that I propose, this day at twelve o'clock, in the Hall of the House of Representatives, in the presence of both Houses of Congress, to take the oath prescribed by the constitution, to enable me to enter on the execution of the office which this event has devolved on me.—MILLARD FILLMORE."

Mr. Webster hereupon submitted to the Senate the following resolutions, which were unanimously agreed to:—

"Resolved,—That the two Houses will assemble this day, in the Hall of the House of Representatives, at twelve o'clock, to be present at the administration of the oath prescribed by the constitution to the late Vice-President of the United States, devolved on him by the death of Zachary Taylor, late President of the United States.



*“Resolved,*—That the Secretary of the Senate present the above resolution to the House of Representatives, and ask its concurrence therein.”

A message was then received from the House of Representatives, transmitting a resolution, and requesting the concurrence of the Senate. The resolution was as follows:—

*“Resolved,*—That the Honourable Messrs. Winthrop, Morse, and Morehead be appointed a committee on the part of this House, to join such a committee as may be appointed by the Senate, to wait on the President of the United States, and inform him that the Senate and House of Representatives will be in readiness to receive him in the Hall of the House of Representatives this day at twelve o'clock, for the purpose of witnessing the administration of the oath prescribed by the constitution, to enable him to enter upon the execution of the office.”

The Senate concurred in the resolution, appointed Mr. Soulé, Mr. Davis, of Massachusetts, and Mr. Underwood, a committee on their part, and ordered their Secretary to notify the House of Representatives accordingly. Mr. Soulé afterwards informed the Senate that the committee appointed to wait on the President had performed the duty assigned them, and that they had been informed by the President that he would take the oath of office at twelve o'clock, in the Hall of the House of Representatives, and that he desired the attendance of the Senate. Whereupon the Senate proceeded to the Hall of the House of Representatives. The House being in session, Mr. Morse, a member of that body, appeared at the bar, introducing the Honourable William Cranch, Chief Justice of the District and Circuit Court of the United States, who ascended the clerk's platform and took a seat thereon, a little to the right of the Speaker.

At a few minutes past twelve o'clock the Senate, preceded by their Serjeant-at-Arms and Secretary, entered the Hall and took the places assigned to them in the area in front of the Speaker's chair. Immediately afterwards, his Excellency Millard Fillmore, President of the United States, appeared at the bar of the House, supported by Messrs. Soulé of the Senate, and Winthrop of the House of Representatives, and accompanied by the other members of the joint committee, and by the Cabinet of the late President.

After a pause of a few moments, the Speaker said, “The oath of office will now be administered to the President of the United States by Chief Justice Cranch.” The President and the Chief Justice thereupon rose, and the President read, in a firm and audible voice, the following oath of office prescribed by the constitution: “I, Millard Fillmore, do solemnly swear that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the constitution of the United States.” The Chief Justice then administered the oath.

The President, accompanied by the committee, then left the Hall, followed by the Cabinet, the Senate, &c.; the Speaker and members of the House rising as when they entered.

Immediately after having taken the oath of office, the President communicated to both Houses of Congress the following official announcement of the death of his predecessor.

“Fellow-citizens of the Senate, and of the House of Representatives,—A

great man has fallen among us, and a whole country is called to an occasion of unexpected, deep, and general mourning.

"I recommend to the two Houses of Congress to adopt such measures as in their discretion they may deem proper, to perform with due solemnities the funeral obsequies of Zachary Taylor, late President of the United States; and thereby to signify the great and affectionate regard of the American people for the memory of one whose life has been devoted to the public service; whose career in arms has not been surpassed in usefulness or brilliancy; who has been so recently raised by the unsolicited voice of the people to the highest civil authority in the Government—which he administered with so much honour and advantage to his country; and by whose sudden death, so many hopes of future usefulness have been blighted for ever.

"To you, senators and representatives of a nation in tears, I can say nothing which can alleviate the sorrow with which you are oppressed.

"I appeal to you to aid me, under the trying circumstances which surround me, in the discharge of the duties, from which, however much I may be oppressed by them, I dare not shrink; and I rely upon Him who holds in His hands the destinies of nations, to endow me with the requisite strength for the task, and to avert from our country the evils apprehended from the heavy calamity which has befallen us.

"I shall most readily concur in whatever measures the wisdom of the two Houses may suggest, as befitting this deeply melancholy occasion.—MILLARD FILLMORE.—Washington, July 10, 1850."

The message having been read in the Senate, Mr. Downs, of Louisiana, said: "Mr. President, I rise, as a member of the delegation of the state whose citizen the late President of the United States was, to offer resolutions suitable to the occasion. The announcement of his death has been already made officially here and elsewhere; and on the wings of lightning, and almost as swift as thought, the sad intelligence has been conveyed to remote portions of this great Republic.

"How sublime, as well as melancholy, is the scene in which we are now engaged! But a few days since—less than a week—many of us sat near the then President of the United States, and saluted him in health, at the base of that monument which the hands of a grateful posterity are now raising to the memory of the first and greatest of his predecessors—hero, statesman, like himself—and where we had assembled to pay devotion to the memory of the man 'first in war, first in peace, and first in the hearts of his countrymen,' and to rekindle anew, in the breasts of all, that spirit of union, fraternity, and liberty, without which we shall prove ourselves unworthy of our revolutionary ancestors, and a reproach to their memory. Yes, there sat, quiet and placid as the gentle breeze from the Potomac that cooled his heated brow, the man whose very pathway to his log-cabin school-house in Kentucky—the 'Bloody Ground'—was beset by the tomahawk of the savage, and who had passed through four wars, and many of the bloodiest and most glorious battle-fields of his country, unscathed—at the head of the greatest republic of this or any other country, protected, not by bayonets, but by the affection of his countrymen: yet, in a few short days, in the midst of this quiet, peace, prosperity, and fame, he was to approach that doom which awaits us all.

"Zachary Taylor was born in 1784, in Orange county, Virginia. In early



life he gave evidence of extraordinary energy and force of character. In 1808 he was appointed, during the Presidency of Mr. Jefferson, lieutenant in the army of the United States; he rose, in 1812, to the rank of captain; and after the declaration of war with Great Britain in that year, he was breveted major by President Madison for his memorable and gallant defence of Fort Harrison, with a handful of men, against a large body of savages. In 1832, then advanced to the rank of colonel, he distinguished himself in the Black Hawk war; was ordered into Florida in 1836, and for his signal services against the savage Seminoles was created a brevet brigadier-general, and commander-in-chief in Florida. Subsequently, he was transferred to the command of the division of the army in the south-western portion of the Union; was ordered into Texas in 1845; advanced to the banks of the Rio Grande; and afterwards, beginning with the battles of the 8th and 9th of May, 1846, at Palo Alto, and Resaca de la Palma, and ending with Buena Vista, he overthrew with fearful odds against him, and signally defeated, the most skillful of the Mexican generals, Ampudia, Arista, Paredes, and even the President of Mexico himself; and, by a series of brilliant victories, gained for himself, and the brave armies under his command, a world-wide renown, commanding the verdict and admiration of Europe and America, and securing an enviable and proud place in the brightest chapters of the history of American arms.

“But why attempt to portray his life or describe his actions? This is not the time nor place for such a purpose, if I had the ability to do it justice. His history is part of the history of his country, and therefore needs no aid of friends to preserve it. The battle-fields of Fort Harrison, of Okeechobee, Palo Alto, Resaca de la Palma, Monterey, and, the most glorious of them all, Buena Vista, are at once his monuments and his eulogiums. He needs no others. Of his political history this is not the place nor I the person to speak; yet I may, I hope, be pardoned a single remark. The wisest and best counsels of public men in a free country—free in speech, in the press, and in the ballot—cannot be expected to go unquestioned. It would not be a free country if they were. But it is consolatory to know that, whatever differences of opinion may have existed as to the policy of him whose untimely death we all so much lament, they are already, before the tomb has closed over him, buried in oblivion for ever. He is hereafter to belong to no party, to no section, but to the whole American family, and his memory will be revered and cherished by them all alike.

“But let not the tears we are shedding over our departed President blind us to the grandeur of the scene in which we stand. Did the world ever witness such a one before? How soon, if ever, can it be witnessed in other countries? The chief of a nation of more than twenty millions of freemen is suddenly withdrawn from the world by an act of God, followed by no disturbance of the perfect equipoise of our institutions. The gentlemen composing the cabinet of the late President, after his decease, and at the approach of midnight, without ostentation, quietly repair to the residence of the Vice-President, and there announce the national bereavement. Within twenty-four hours thereafter he will have taken the oath of office without any military parade, and been installed in command of the ship of State, which

moves on over the billows of time, more bright and buoyant than ever, bearing at her mast-head the proud emblems of national glory and greatness, and presenting to the world a sublime spectacle of the beauty and perfection of self-government.

“Such a scene as this ought to make us a happier and a better people. It should make us sensible of the great and manifold advantages we enjoy as a free and united people. Let us, then, bury in the tomb of our departed President all sectional feelings and divisions, and unite once more in that spirit of cordial good-will and brotherly love which united our forefathers in the early days of the Republic. Let us renew before we leave his grave our vows to support the Union, and our determination to perpetuate our constitution in all its primeval simplicity and purity. There is room enough, glory enough, and honours for us all, while we preserve the Union, and know how, wisely and prudently, to enjoy it.

“Whereas, it has pleased Divine Providence to remove from this life Zachary Taylor, late President of the United States; the Senate, sharing in the general sorrow which this melancholy event must produce, is desirous of manifesting its sensibility on this occasion: Therefore,

“*Resolved*,—That a committee, consisting of Messrs. Webster, Cass, and King be appointed on the part of the Senate, to meet such committee as may be appointed on the part of the House of Representatives, to consider and report what measures it may be deemed proper to adopt to show the respect and affection of Congress for the memory of the illustrious deceased, and to make the necessary arrangements for his funeral.

“*Ordered*,—That the Secretary of the Senate communicate the foregoing resolution to the House of Representatives.”

This resolution was supported by the eloquent remarks of Senators Webster, of Massachusetts, Cass, of Michigan, Pearce, of Maryland, King, of Alabama, and Berrien, of Georgia, brief extracts from which are appended.

Mr. Webster said,—“For a very short time, Sir, I had a connection with the executive government of this country; and at that time very perilous, embarrassing circumstances existed between the United States and the Indians on the borders, and war was actually raging between the United States and the Florida tribes; and I very well remember that those who took counsel together on that occasion officially, and who were desirous of placing the military command in the safest hands, came to the conclusion that there was no man in the service more fully uniting the qualities of military ability and great personal prudence than Zachary Taylor; and he was, of course, appointed to the command.

“Unfortunately his career at the head of this government was short. For my part, in all that I have seen of him, I have found much to respect and nothing to condemn. The circumstances under which he conducted the government for the few months he was at the head of it, have been such as perhaps not to give to him a very favourable, certainly not a long opportunity of developing his principles and his policy, and to carry them out; but I believe he has left on the minds of the country a strong impression, first, of his absolute honesty and integrity of character; next, of his sound practical good sense; and lastly,



of the mildness, kindness, and friendliness of his temper towards all his countrymen.

"But he is gone. He is ours no more, except in the force of his example. Sir, I heard with infinite delight the sentiments expressed by my honourable friend from Louisiana (Mr. Downs), who has just resumed his seat, when he earnestly prayed that this event might be used to soften the animosities, to allay party criminations and recriminations, and to restore fellowship and good feeling among the various sections of the Union. Mr. Secretary, great as is our loss to-day, if these inestimable and inappreciable blessings shall have been secured to us, even by the death of Zachary Taylor, they have not been purchased at too high a price; and if his spirit from the regions to which he has ascended could see these results flowing from his unexpected and untimely end—if he could see that he had entwined a soldier's laurel around a martyr's crown, he would say exultingly, 'Happy am I, that by my death I have done more for that country which I loved and served than I did or could do by all the devotion and all the efforts that I could make in her behalf during the short span of my earthly existence!'

"Mr. Secretary, great as this calamity is, we mourn, but not as those without hope. We have seen one eminent man, and another eminent man, and at last a man in the most eminent station, fall away from the midst of us. But I doubt not there is a Power above us exercising over us that parental care that has marked our progress for so many years. I have confidence still that the place of the departed will be supplied, and that the kind, beneficent favour of Almighty God will still be with us, and that we shall be borne along, and borne upward and upward on the wings of His sustaining Providence. May God grant that in the time that is before us, there may not be wanting to us as wise men, as good men for our counsellors, as he was whose funeral obsequies we now propose to celebrate."

Mr. Cass (Taylor's competitor for the Presidency), spoke as follows:—"Strong in the confidence of his countrymen, he was called to the Chief Magistracy at a period of great difficulty—more portentous, indeed, than any we have ever experienced. And now he has been called by Providence from his high functions, with his mission unfulfilled, leaving us to mourn his loss and to honour his memory. His own last words, spoken with equal truth and sincerity, constitute his highest eulogy: 'I am not afraid to die; I have done my duty.' The integrity of his motives was never assailed or assailable. He had passed through life, and a long and active one, neither meriting nor meeting reproach; and in his last hour the conviction of the honest discharge of his duty was present to console, even when the things of this life were fast fading away.

"Let us humbly hope that this afflicting dispensation of Providence may not be without its salutary influence upon the American people, and upon their representatives. It comes in the midst of a strong agitation, threatening the most disastrous consequences to our country, and to the great cause of self-government through the world. It is a solemn appeal, and should be solemnly heard and heeded. His death, whose loss we mourn, will not be in vain, if it tends to subdue the feelings that have been excited, and to prepare the various

sections of our country for a mutual spirit of forbearance, which shall ensure the safety of all by the zealous co-operation of all. We could offer no more appropriate nor durable tribute to departed worth than such a sacrifice of conflicting views upon the altar of our common country. In life and in death he will have equally devoted himself to her service and her safety."

Mr. Pearce said, "Few men have had better fortune than he—none better deserved it. The virtues of his simple and modest, but heroic character had so endeared him to his fellow-citizens, that I am sure I may venture to say, that even in the midst of the political strife, which he ever sought to moderate and soften, there is not one whose heart will not throb with emotion when he learns the death of Zachary Taylor."

Mr. King said, "It was my fortune, senators, to be in Europe at the time when the news reached there that the gallant general of our forces on the Rio Grande, the late President of the United States, was surrounded, or supposed to be surrounded, by an overwhelming force; he commanding a small but gallant band. Every American heart beat with anxiety and fear. We felt, as Americans should feel, that a reverse then would cast, in some degree, a cloud over the country of our birth. When the news reached us that the gallant general of that little band had marched from his position, regardless of the danger, had retraced his footsteps, and conquered the foe at Resaca de la Palma, no man but he who was away from his country in a foreign land could have felt what we, as American citizens, felt at those tidings. Senators, the gallantry of that man was appreciated, not only by his countrymen, but it was felt and appreciated by the first military men of Europe. The living hero of the age, the great Duke of Wellington, declared, as Napoleon had declared of him on a certain occasion, 'General Taylor is a general indeed.' I, therefore, senators, am not surprised that the enthusiastic spirit of the American people led them to support a man whose patriotism, whose devotion to his country, whose gallantry, and whose successful services on the field must have endeared him to the hearts of all. As a man, I have said, he was honest of purpose. His patriotism, his devotion to the constitution of his country, under which he cherished these free institutions, I have never questioned. I think I knew him well, and I believe there was no man more patriotic. If errors were committed, I shall draw the curtain over them. No longer would I feel justified in holding them up to the public gaze, even if they had been ten times as glaring as they were. The country has reason to deplore the death of a great man, and, I must be permitted to add, a good man. He has gone from among us, and the afflictive event has been appealed to to cultivate and cherish kind relations. I trust in God that these kind relations will be cherished, and that we shall on this day vow on the altar of our country to discard all bickering and strife, all sectional dissensions, and live and die, as Americans should, in support of the Union."

Mr. Berrien remarked—"In my reflections upon this subject I have felt that this dispensation of Providence is, in its results, to be eminently productive of good or of evil to our common country; and in humble reliance on the blessing and guidance of a beneficent Providence, it depends upon us senators, and our associates in the discharge of the important trusts which are committed to this highest legislative assembly of a free people—it depends essentially upon us and



the co-ordinate department of the government, to improve this afflictive dispensation of Almighty God to purposes at once salutary and beneficial to the great interests of the country. If we can feel that in the sudden death of our patriot-chieftain—in this abrupt summons of one ‘without fear and without reproach,’ in the vigour of life, and in the full enjoyment of the highest honours, the most gratifying reward which the unbought homage of a free people could accord to him; if we can feel the solemnity of this sudden call of an individual so esteemed, so honoured, so surrounded with all that could contribute to the happiness of man; if we can truly appreciate the lesson which such a dispensation is calculated to impart, then, senators, consequences the most beneficial may result from it. If it shall teach us to realise the comparative littleness of sublunary things; if it shall enable us in sincerity to feel that this transitory life, in which we are sometimes struggling, in the bitter dissensions which political parties or sectional divisions are but too apt to engender—that the brief term of our continuance here is but a step in the series of infinite existence, a mere point at which man pauses to look around him before he launches on eternity’s ocean; if we can justly estimate ourselves, and rightly appreciate the duties which devolve upon us, we shall indeed have extracted from this melancholy event that salutary and beneficent lesson which, in the goodness of Providence, it was designed to impart. If, on the altar of our common country, we can sacrifice the bitterness of party and of sectional feeling; if, at this moment, when the heart of a great nation is palpitating with anxiety, we can come to the discharge of the high and solemn duties which devolve upon us, with hearts purified by affliction, in the singleness and sincerity of purpose, and in the humility of spirit which becomes us, this melancholy dispensation of Providence will indeed have been productive of results most salutary to the great interests of the American people. And, believe me, senators, if a result so propitious could have been foreshadowed to that departed patriot in the last struggling moments of his existence, it would have cheered the agonies of his dying hour.

“I am permitted to say, in illustration of the strong and patriotic feeling which animated him in the latest moments of his existence, even when the light of intellect was flickering in its socket—I am permitted to repeat the expression of the departed patriot, as his recollection turned to the recent visit he had made to the monument now being erected to the memory of Washington: ‘Let it rise,’ he said; ‘let it ascend without interruption; let it point to the skies; let it stand for ever as a lasting monument of the gratitude of a free people to the Father of his country.’”

The resolution was adopted unanimously.

A similar resolution to that passed in the Senate was offered in the House of Representatives by Mr. Conrad, of Louisiana, preceded by an eulogium on the character of the deceased. This resolution was supported by Messrs. Winthrop, of Massachusetts, Baker, of Illinois, Bayly, of Virginia, Hilliard, of Alabama, J. A. King, of New York, McLane, of Maryland, and Humphrey Marshall, of Kentucky. The remarks of these representatives were all highly eulogistic of the deceased. Those made by the Honourable Humphrey Marshall may serve as a specimen of the spirit that pervaded them.

Mr. Marshall said, "Mr. Speaker, silence is the eloquence of woe, and most appropriate sign of submission to Him whose inscrutable decree afflicts the people.

"Were the emotions of my own bosom at this moment the accepted counsellors of my action, content to mingle mine with the nation's tears, I should permit this solemn occasion to pass without the obtrusion of a single remark. But custom, and the known relations I held to the late President of the United States, induce me to express here the profound sensibility with which intelligence of his lamented death will be received by the commonwealth of Kentucky. In no quarter of our country will this blow fall with more crushing force than upon the district I represent. *There* are the graves of his parents—the habitations of his kindred—the surviving associates of his youth—the especial friends of his matured manhood—the companions of his military adventures—and the most numerous branches of his family connection. There his name was a tower of strength, as his fame was the pride of the people.

"I have not arisen to dwell upon his exploits, or to recount his many virtues. These can derive no additional lustre from the voice of exaggerated eulogy. Comparison between Zachary Taylor and celebrated ancients, illustrious in life or death, will neither diminish nor increase his claim to the admiration of mankind. His character was formed on no pre-existing model. Reared amidst the solitudes of a western wilderness, his principles were fashioned by the precepts of the pioneer, and his career has vindicated their Christianity, their wisdom, and their patriotism. The column is complete. Omniscience has withdrawn the workman. Time and earth have but 'the sign and token' of the great original. The pencil of history must fill the bold outline for the contemplation of posterity. Great, without pride; cautious, without fear; brave, without rashness; stern, without harshness; modest, without bashfulness; sagacious, without cunning; apt, without flippancy; intelligent, without the pedantry of learning; benevolent, without ostentation; sincere and honest as the sun, the 'noble old Roman' has laid down his harness, his task is done. He has fallen as falls the summer tree, in the bloom of its honours, before the blight of autumn has seared a leaf that adorns it. The image of his great character is indelibly impressed upon the hearts of his countrymen, and the lines thereof—

" 'By just degrees will every moment rise,  
Fill the wide earth, and gain upon the skies.'

"At the honoured urn which holds the remains of our beloved and departed chief, Kentucky asks a place among her sisters, to baptise it with the tears of sincere sorrow, and to attest her sense of the common loss. Participating entirely in the feeling which follows into retirement the bereaved family of the illustrious deceased, I desire to offer to them, in behalf of the representatives and people of the commonwealth of Kentucky (and I am sure I may well add, of all the states of the Union), the expression of our sincerest sympathy under their deep affliction. May the Hand which 'tempers the wind to the shorn lamb' bring to their relief the consolation imparted by the assurance, that of General Taylor, as a friend, citizen, soldier, patriot,



“ ‘None knew him but to love him,  
None named him but to praise.’ ”

“ To them the beauties of his domestic life remain, and I shall not presume to intrude upon their sacred recollections, or the satisfaction they must inspire. To us, as public men, may the bright example of the departed be ever present through all the watches of the night; may *we*, too, be able to repeat, as the last of earth is present to each of us, before a grateful country, the simple and touching declaration of his death scene, ‘I am not afraid to die; I have done my duty.’ ”

The resolution was unanimously adopted.

The joint committee of Congress, appointed to make the necessary arrangements for the funeral, fixed Saturday, the 13th day of July, for the solemn ceremony, and on that day the mortal remains of the illustrious deceased were consigned to the tomb. It was near two o'clock when the funeral procession commenced to move. The coffin was borne through the great hall door, before which stood the funeral car. The wheels were black and massive, in imitation of those of the ancient Roman chariots. The main body of the car expanded over these to the length of eleven and a half feet, and width of six and a half. Upon this, the place upon which the coffin was to rest was raised in the centre. A canopy, in form of an arch, extended from front to rear. All this was enveloped in fine black cloth, entwined with white satin, having large silver spangles in each rosette. The canopy was surmounted by a large golden eagle, covered with crape. At the four corners of the car were golden urns, also shrouded with crape. The coffin was covered with black silk velvet. Eight grey horses were attached to the car, each of them led by a youth habited in a white frock, with crape around the waist, and a white turban upon the head.

During the progress of the procession to the grave, a distance of about three miles, the bells of the city were tolled, and in the various public squares cannon were discharged.

Behind the funeral car “Old Whitey,” the President’s horse, was led by Mr. Swartzman, a well-trying friend of the deceased, who had served with him in the Indian wars. The service the old war-horse had rendered, and the association of his name with many of the great battles of Mexico, had rendered him an object of interest, and as he was the object of the late President’s kind regard, he attracted special notice.

As the funeral car passed by, the spectators instinctively uncovered. Arriving at the burial-ground, the remains were interred with no other ceremonies than the simple and impressive words pronounced by the minister, ending with the benediction, except that the soldier’s farewell was poured forth in triple volleys by a portion of the infantry and light artillery.

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## CHAPTER IV.

BIOGRAPHY OF FILLMORE.—PASSING OF THE FUGITIVE SLAVE ACT.—NORTHERN OPPOSITION TO IT.—THE REASONS THAT RENDERED IT NECESSARY.

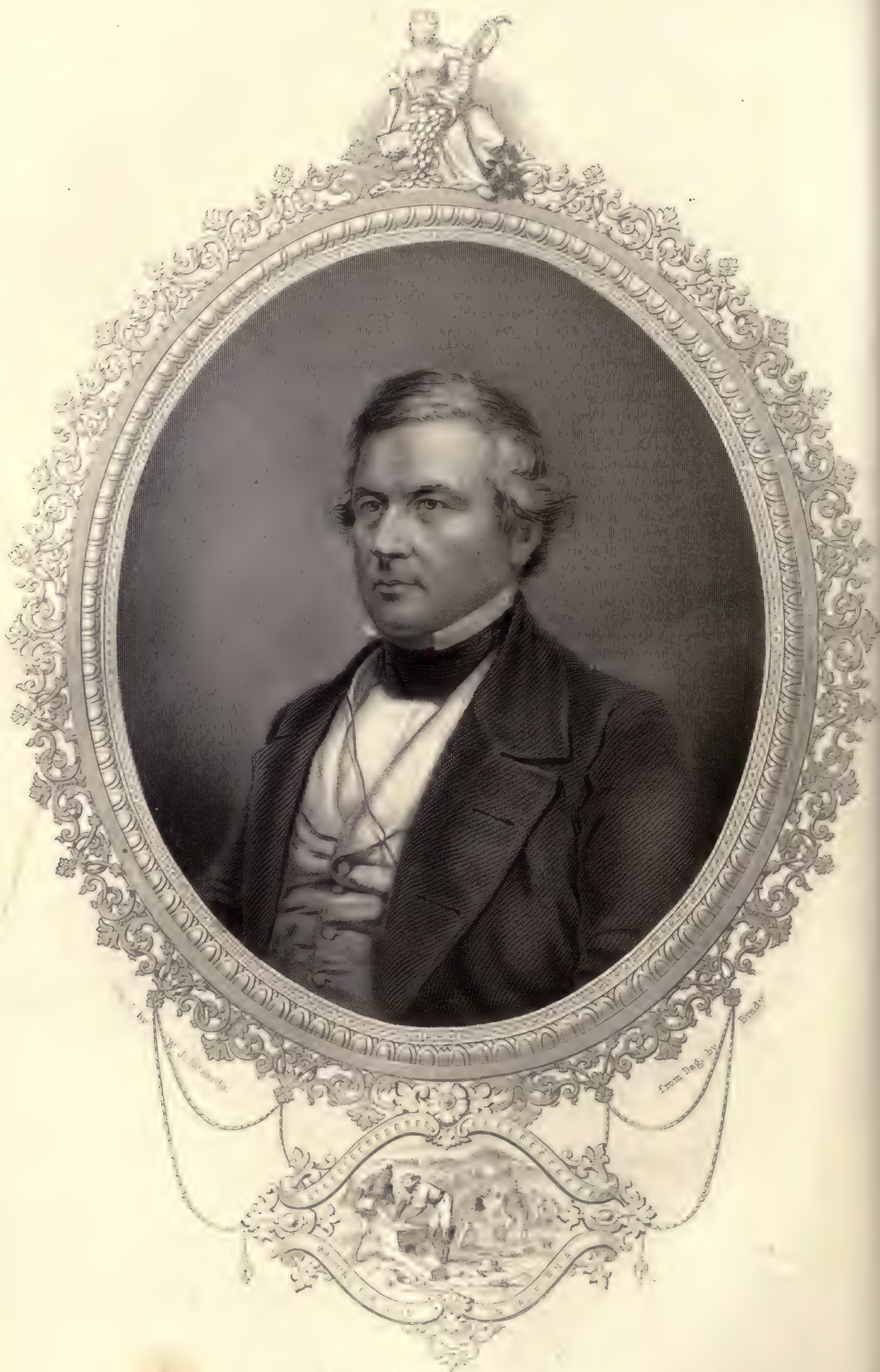
THE new President, thus suddenly elevated to the supreme post in the Republic, was a man as remarkable as his predecessor.

Millard Fillmore was born in Western New York, in January, 1800. This settlement in the wilderness was at that time so new, that his father was compelled, on the occasion of his birth, to walk seven miles in the woods, in the dead of night, to the nearest physician, through a fresh-fallen snow, half-knee deep, with wolves howling on either side of him as he pressed on his errand. He remained with his father till he was about fifteen years of age. During his early childhood he was sickly and somewhat backward, but when his constitution began to acquire vigour, he evinced that love of reading and appetite for knowledge by which a superior mind usually gives the first indications of its existence. The limited means of his father prevented his enjoying any advantages of education beyond the common schools of his neighbourhood, which, from the newness of the country, were not of a very high order. He rapidly acquired all that his teachers had to impart, and devoured, in the intervals of farm labour, every stray book that fell in his way. At the age of fifteen he was sent to learn the clothier's trade, a business which, as then conducted, furnished employment during only a portion of the year. While learning his trade, young Fillmore became a school teacher in the winter months; and, gaining experience in his new vocation, he, for several years, occasionally eked out his scanty means by this laborious occupation. As his faculties unfolded, he began to feel a consciousness that he was born for a higher destiny than carding wool and dressing cloth. At the age of nineteen, he attracted the favourable attention and made the acquaintance of a Mr. Walter Wood, a lawyer, of Cayuga county, who discovered, beneath the rude exterior of the clothier's apprentice, indications of superior talent, which he urged him to cultivate. By the assistance of this gentleman, he was enabled, with the consent of his father, to buy the remainder of his time, and devote himself to study. He was received into the office of Mr. Wood, who had a large law library, though he did but little professional business, being principally occupied in the management of a large estate. Here he read law and general literature, and, like Washington at the same age, he found employment as a surveyor on the new lands of his patron.

In the autumn of 1821, Mr. Fillmore removed to Erie county, and the next spring entered an attorney's office in Buffalo, maintaining himself as a school teacher by day while pursuing his legal studies by night. After a year passed in this manner, he was admitted to the Court of Common Pleas, in the spring of 1823. He immediately removed to the village of Aurora, where he opened an office, and devoted himself to the practice of his profession. He continued to reside at Aurora until 1830. During these seven years, his professional practice was not large; but all the cases in which he was employed were







Millard Fillmore



managed with so much ability that his reputation continued steadily to rise, until it attracted the favourable attention of his professional brethren in Buffalo whither he was induced to remove by the offer of a highly advantageous connection with an older member of the bar.

In the autumn of 1828 he had become so favourably known to the citizens of Erie county, that he was elected as their representative in the State Legislature, and took his seat in that body the January following. It cannot but be regarded as creditable to the talents of an inexperienced young man from the new settlements of Western New York, that, notwithstanding the native modesty of his character, he immediately took rank with the ablest members of the body. His term of service in the New York Legislature expired in 1831. In the autumn of 1832 he was elected by his district as its representative in Congress. More anxious to discharge his duty faithfully than to make a display of his abilities, he served with credit, but without any very marked distinction. At the close of his term he devoted himself with assiduity to the labours of his profession, in which he had risen to a high rank and enjoyed a lucrative practice. His fellow-citizens, however, had too just an appreciation of his capacity for public usefulness to allow him to remain long in retirement, and they elected him to the twenty-fifth, the twenty-sixth, and the twenty-seventh Congress, honouring him at the last election with the largest majority ever given in his district. His congressional career was terminated by a letter to his constituents declining to serve them longer in that capacity.

Up to the time of his last re-election, the party with which Mr. Fillmore acted was in a minority in the national councils, and, as a necessary consequence, he was not assigned any position in the organisation of the House corresponding to his eminent capacity. But when, after the great political revolution of 1840, by which the Whig party came into power, a Congress met to devise remedies for the financial distresses which had overthrown the preceding administration, Mr. Fillmore at once rose to his proper level, as a man fitted for responsible leadership in great emergencies. The Committee of Ways and Means, always the most important in the House, became invested with unusual consequence at a period when the chief duty of Congress was to introduce a new revenue system which should relieve the country from the embarrassments under which it was suffering. That Mr. Fillmore was immediately made chairman of that committee, on the accession of his party to power, not only proves their sense of his capacity, but shows that previously, when acting with a minority, he must have discharged his duties with ability and judgment.

In July, 1842, Mr. Fillmore addressed a letter to his constituents declining a re-election. This resolution to retire from public life occasioned profound regret. In every part of the country the Whig press expressed its sense of the loss the party was about to sustain, and passed the highest eulogiums on the public services of a statesman who had acquitted himself with so much honour to himself and such eminent usefulness to the country. Not only the political press, but some of the most distinguished public men of the country, paid him compliments which evinced the highest appreciation of his public services. John Quincy Adams, for example, in a speech to his constituents, delivered in the autumn of 1842, took occasion to say of Mr. Fillmore that "he was one of the

ablest, most faithful, and fairest-minded men with whom it had been his lot to serve in public life." After his withdrawal from Congress, he continued to reside in Buffalo. A large practice in the higher courts gave him constant and, to a person of his laborious habits and love of business, pleasant occupation. In this manner he passed four or five years, enjoying the esteem of his fellow-citizens, and laying the foundations of a competency. The Whigs of New York, proud of Mr. Fillmore's talents and standing, desired to see his name on the same ticket with Mr. Clay's, and determined to present it to the National Convention. However, on the third ballot, Mr. Frelinghuysen received a majority of the votes, and was declared nominated.

Having been defeated in a contest for the governorship of New York, which was unsought for by himself, and forced upon him by his party, he was elected Comptroller of New York, an office of great importance, the Comptroller being the chief financial officer of the State. In accepting the office, Mr. Fillmore had yielded to the urgent persuasions of his political friends, at a considerable sacrifice of private interest. When, therefore, he was solicited to allow his name to be presented to the Whig National Convention, in 1848, as a candidate for Vice-President, he refused to entertain the proposal. The representations of his friends were, however, so urgent, as finally to draw from him a promise not to refuse in case he should be nominated.

As soon as the fourth ballot, which resulted in the nomination of General Taylor, was over, and the cheering which greeted the announcement, both within and without the building, had partially subsided, the Hon. John A. Collier, a state delegate from New York, and zealous Clay man, addressed the Convention in a brief speech which was listened to with great attention. He did not conceal his disappointment at a result he had done all in his power to defeat, but declared that he would neither bolt the nomination himself, nor countenance bolting in others. And, as a pledge of the good faith with which the friends of Mr. Clay in New York would support General Taylor, he proposed the name of Millard Fillmore as the candidate for Vice-President.

His remarks were received with great applause, and in a few minutes the Convention proceeded to ballot. Of the 275 votes cast on the first ballot, Mr. Fillmore had 115, Mr. Lawrence 109, and the rest were scattering. On the second ballot Mr. Fillmore received 173 votes (two more than had been given to General Taylor), and was declared nominated. The result of the presidential election which took place in November, 1848, was that Taylor and Fillmore received each 163 electoral votes, against 127 votes given to Cass and Butler, the Democratic candidates for President and Vice-President.

In February, 1849, Mr. Fillmore resigned his office as Comptroller of New York, and proceeded to Washington to assume the duties of his new office.

Mr. Fillmore, while acting as Vice-President, presided over the Senate with a dignity and urbanity seldom surpassed. Mr. Calhoun, in 1826, had announced to the Senate his opinion that the Vice-President had no authority to call senators to order for any violation of courtesy or transgression of the rules of debate. He conformed his practice to his opinion, and it had become a settled usage that a member was on no occasion called to order for any words he might utter on the floor of the Senate. Mr. Fillmore made a



speech, in which he explained the reasons why he thought that it was his duty to preserve decorum, and, if occasion should render it necessary, reverse the usage of his predecessors. This determination met the warm approval of the Senate, who ordered Mr. Fillmore's speech to be entered at length on their journal. At this point, Mr. Fillmore's career was advanced to a still higher and broader theatre, that of President of the United States.

Allusion has already been made to the agitating controversy in Congress, during the pending of which General Taylor was stricken down by a dispensation of Providence, leaving the country in a condition so critical as to devolve an immense responsibility on his successor. To add to the embarrassment of President Fillmore, the various members of the cabinet tendered their resignation, and the first question he had to consider was whether he would solicit their continuance in office, or appoint an entirely new administration.

It was understood that the cabinet of General Taylor were opposed to Mr. Clay's Bill. The new President approved, in the main, of the measures embodied in that Bill, and thought it his duty to favour their adoption. He rightly thought that on questions so important there should be no difference of opinion between the President and his constitutional advisers, and that it was necessary to have a cabinet who would sustain him in the course he had determined to adopt, and whose reputation was identified with his success. He therefore decided to accept the resignation of General Taylor's cabinet, and appoint a new one.

On the 20th of July, ten days after President Fillmore took the oath of office, he transmitted to the Senate a message nominating the following-named gentlemen as his cabinet:—Daniel Webster, of Massachusetts, Secretary of State; Thomas Corwin, of Ohio, Secretary of the Treasury; James A. Pearce, of Maryland, Secretary of the Interior; William A. Graham, of North Carolina, Secretary of the Navy; Edward Bates, of Missouri, Secretary of War; Nathan K. Hall, of New York, Postmaster-General; John J. Crittenden, of Kentucky, Attorney-General. This cabinet embodied eminent ability, large experience in public affairs, and great weight of character. The nominations were all confirmed by the Senate, but Mr. Pearce and Mr. Bates were prevented by circumstances from accepting the places tendered them. After some delay, Alexander H. H. Stuart, of Virginia, was appointed Secretary of the Interior, and C. M. Conrad, of Louisiana, Secretary of War.

Only a few days elapsed after Mr. Fillmore's accession to the presidency before the "Omnibus Bill" was brought to a vote in the Senate and defeated.

Affairs were now rapidly approaching a crisis which demanded the calmest wisdom united with the greatest firmness. Strong anti-slavery conventions were held in the North; equally strong secession conventions were held in the South; the spirit of sectional strife seemed arming itself for a mighty conflict. The senators and representatives from California had become weary of their long waiting at Washington, knocking at the doors of Congress; Texas and New Mexico, in the midst of an angry controversy relative to their boundaries, were arming for civil war; the disaffected South was ready to sustain Texas in her claims; and it became necessary for the general government to protect New Mexico against armed invasion by that state. The President ordered the

requisite military force and munitions of war to be put in motion for New Mexico, and on the 6th of August, 1850, he sent a message to Congress, advising that body of the imminent danger of a collision, and urging, in the strongest terms, a speedy settlement of the controversy. Congress appreciated the danger, renewed its efforts to settle the vexed questions, and soon passed the several Acts by which California was admitted into the Union as a state; the boundary line between Texas and New Mexico defined, and an indemnity provided for the claim of Texas; territorial governments established for New Mexico and Utah; the slave trade abolished in the district of Columbia; and more effectual provision made for the rendition of fugitive slaves. These have since been collectively designated as the "compromise measures."

The President had some doubt whether the Fugitive Slave Act did not conflict with the provision of the constitution relating to the writ of *habeas corpus*, and referred the subject to the Attorney-General, the Honourable J. J. Crittenden, who prepared a written opinion, in which he showed by a clear and conclusive argument, supported by the decisions of the Supreme Court, that there was nothing in the Bill submitted to him which was in conflict with the constitution, or which suspends or was intended to suspend the writ of *habeas corpus*. It is a well-known and admitted fact in America, proved by abundant historical evidence, and assumed in all judicial decisions relating to the subject, that the clause of the constitution which requires the surrender of fugitive slaves was intended to secure to the citizens of slaveholding states complete ownership in their slaves in every state or territory of the Union into which they might escape. It devolved on the general government to make that security effectual, and accordingly the Act of 1793 was passed, which, so far as respected any constitutional question that could arise out of it, was identical with the Bill submitted to the Attorney-General for his opinion. It authorised the like arrest of the fugitive slave, the like trial, the like judgment, the like certificate, with the like authority to the owner, by virtue of that certificate as his warrant, to remove him to the state or territory from which he escaped. And yet the constitutionality of the Act of 1793 has been affirmed by the adjudications of state tribunals, and by the courts of the United States, without a single instance of dissent. The Supreme Court of the United States has decided that, independent of any aid from legislation, the owner of a fugitive slave may, in virtue of the constitution and his own right of property, seize and re-capture him in any state or territory in which he may find him, and carry him back to the place from which he escaped. The Bill, therefore, conferred no right on the owner of a fugitive slave, but only gave him an appointed and peaceable remedy, in place of the more exposed and insecure, but not less lawful, mode of self-redress. The fugitive had no reason to complain of the Bill, for it added no coercion to that which the owner of the slave might himself exercise without any resort to legal process. It was, in fact, a benefit to the fugitive, so far as it interposed judicial authority between him and the power of his owner.

With regard to whether this Act suspended the writ of *habeas corpus*, which was the point to which the President had more particularly called his attention, the Attorney-General was clearly of the opinion that there was no incompatibility between any of the provisions of the Bill and the privilege of that writ,



in its utmost constitutional latitude. It is not within the privilege or province of that great writ to loose those whom *the law* has bound, but to discharge persons from *illegal* custody. The writ follows the law and obeys the law. If on application for this writ it shall appear to the court or judge that the confinement of the person asking for it is *lawful*, the writ will always be refused. If a person is in custody by the decision of a court from which there is no appeal, the decision itself is to be regarded as conclusive evidence that the confinement is legal, and not only can the writ of *habeas corpus* not discharge him, but no court or judge has any authority to grant it. There is no process or tribunal by which the decisions of a court of last resort can be reviewed, and there is nothing in the writ of *habeas corpus* by which they can be set aside.

A provision of the constitution of the United States requires that fugitive slaves shall be surrendered to their owners. The Bill for their surrender was intended to enforce this requirement. It constituted a tribunal with exclusive jurisdiction to determine summarily and without appeal who were fugitive slaves. The judgment of every tribunal of exclusive jurisdiction, where no appeal lay, was of necessity conclusive upon every other tribunal; and therefore the judgment of the tribunal created by the Fugitive Slave Act was conclusive upon all the tribunals. Whenever this judgment was made to appear, it was conclusive of the right of the owner to retain in his custody the fugitive from his service, and to remove him back to the state from which he escaped. If it were shown on the application of the fugitive slave for the writ of *habeas corpus*, it prevented the issuing of the writ—if upon the return, it discharged the writ and restored or maintained the custody.

Such was the substance of the reasoning by which the Attorney-General supported his opinion, and being satisfactory to the President as to the constitutional question, he signed the fugitive slave law, as well as the other bills previously enumerated, and known as “the compromise measures.”

The Act for the surrender of fugitive slaves was immediately attacked with great violence by the anti-slavery party of the North. Slaves were rescued from the custody of the United States’ marshals at Boston, Syracuse, and at Christiana, in the state of Pennsylvania, and, in the last-named of these places, one or two persons were killed. The President avowed his intention to execute the law. When intelligence of the proceedings of the Boston mob reached Washington, the President issued his proclamation, calling upon all officers to do their duty, and prosecutions were instituted against the rioters, but the prejudices of the jury and the difficulty of identifying the criminals generally enabled them to escape. At Syracuse one was convicted, but he died before sentence was passed.

The vehemence with which the Fugitive Slave Act was assailed renders it proper that its necessity should be explained more fully than might otherwise be consistent with the limits of this history. The President was denounced for having given it his approval, was even threatened with violence in anonymous communications, and the most strenuous exertions were made to induce the people to resist the execution of the law by force.

The opposition which was ostensibly directed against the law, was really aimed at the provision of the constitution which the law was intended to enforce. It

was considered more decorous to assail a particular act of legislation than to make an open declaration of hostility against the constitution of the country; but the transactions of this period will be wholly misconceived unless we look beneath the pretences of the Abolition party, and discern the motives by which they were actually governed.

The constitution of the United States declares that "no person held to service or labour in one State *under the laws thereof*, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labour, *but SHALL be delivered up* on the claim of the party to whom such service or labour may be due."

That the real ground of opposition to the fugitive slave law was a wish to defeat this provision of the constitution is proved by the fact that in the violent attempts to rescue negroes from their claimants, there was scarcely a case in which there was any reasonable doubt that the person claimed was *actually* a fugitive slave—that he was *really* one of those persons whom the constitution requires to be delivered up on the claim of the owner.

Another reason for supposing the opposition was aimed at the constitution itself, is found in the admissions and avowals of the anti-slavery party. There would perhaps be an unfairness in quoting the language of obscure and irresponsible members of the party. It will be sufficient to draw the proofs from the speeches of the ablest and most respected of its recognised leaders. William H. Seward, of New York, has for many years been regarded as the leading anti-slavery man of the Northern States, and the principal expounder of anti-slavery doctrines. He has repeatedly declared his opposition to that provision of the constitution which requires the surrender of fugitive slaves. In a speech delivered at Cleveland, Ohio, in 1848, Mr. Seward said: "It is written in the constitution of the United States that five slaves shall count equal to three free men, as a basis of representation; it is also written, *a violation of the Divine law*, that we shall surrender the fugitive slave who takes refuge at our fireside from his relentless pursuers."

In the same speech Mr. Seward exhorted his hearers to use their efforts to defeat the operation of that provision of the constitution which he had told them was "in violation of the Divine law." He said: "Inculcate, then, the law of freedom and the equal rights of man; reform your own code—extend a cordial welcome to the fugitive who lays his weary limbs at your door, *and defend him as you would your paternal gods*—correct your own error that slavery has any *constitutional* guaranty which may not be released, and ought not to be relinquished. Say to slavery when it *shows its bond* and demands the pound of flesh, that if it draws one drop of blood, *its life shall pay the forfeit*."

In the year 1850, in the Senate of the United States, Mr. Seward again asserts that the provision of the constitution relating to the restoration of fugitive slaves to their masters was of no binding force. In his speech on the admission of California—a speech which he had prepared with great care—he said: "Your *constitution* and laws convert hospitality to the refugee from the most degrading oppression on earth into a crime, but all mankind except you esteem that hospitality a virtue. . . . I know of only two compacts found in diplomatic history that admitted the extradition of slaves. Here is one of



them." He then quoted from an old treaty between Russia and the Greek emperors of Constantinople, and continued: "This was in the year of grace 902, in the period called the 'Dark Ages,' and the contracting powers were despotisms. And here is the other." After quoting it, he said: "This is from the constitution of the United States in 1787, and the parties were the republican states of this Union. *The law of nations disavows such compacts—the law of nature written on the hearts and consciences of men repudiates them.*" Further on in the same speech he said: "But you answer that the constitution recognises property in slaves. It would be sufficient then to reply, that *this constitutional recognition must be void*, because it is repugnant to the law of nature and of nations."

These quotations are sufficient to show that the violent hostility which was directed against the law of 1850 would have been equally violent against *any* law which effectually carried out the provision of the constitution. In fact, the Act of 1793, which was signed by Washington, was formerly denounced in much the same manner as that of 1850 has been since its passage.

As President of the United States, Mr. Fillmore had taken a solemn oath to support the constitution, and as he did not feel at liberty to violate his oath, his approval of the Fugitive Slave Law must be judged by its conformity to the constitution, and not by the principles of "the higher law."

By those who admitted the binding force of the constitution, the principal objection to the law of 1850 was, that the proceedings under it were summary. In judging of the validity of this objection, it is necessary to bear in mind that the provision for the surrender of fugitives from labour stands in the constitution coupled with one for the surrender of fugitives from justice. In the case of fugitives from justice, the proceedings are always summary, both in cases arising under the constitution and those arising under treaties with foreign nations for the surrender of such fugitives. The alleged criminal is arrested for the violation of the laws of the state from which he has fled, and it conforms to reason that the laws of a state should be administered by its own tribunals. When a fugitive from justice is surrendered, the proceedings are therefore always summary and preliminary, and the prisoner is carried for trial to the state or country whose laws he has violated. In the case of a fugitive from labour, the same principle applies. The constitutional provision reads, "No person held to service or labour in one state, *under the laws thereof*, escaping into another," &c. As he is made a slave by the laws of the state from which he has escaped, the tribunals of that state are deemed the appropriate ones for determining the question of his liberty. The principles of freedom as much require that a fugitive from justice shall have a trial before he is surrendered to his claimant, as they do that a fugitive from labour shall have such a trial. In all the slave states independent judicial tribunals were always open to receive and decide upon petitions or applications for freedom, and there was no proof that the decisions of these tribunals were not always fair and upright.

Under the Act of 1793, the proceedings were likewise summary, and there was no trial by jury. However desirable, on some grounds, a trial by jury in such cases might seem, it would be practically impossible in several of the non-slaveholding states. To say nothing of the principles, or as the South called

them, the prejudices, of the jurors—which rendered it certain beforehand that they would never agree on a verdict of surrender, however clear the evidence that the person was actually a fugitive—the refusal by some of the states of the use of their jails and of the assistance of their officers, would make it impossible to detain the prisoner while preparations could be made for his trial and witnesses summoned from a distant state. The fugitive would no doubt be rescued by a mob in the interim, and sent out of the country by “the underground railroad.” Or even if the claimant should finally recover his property, he would incur expenses so great that the provision of the constitution in his favour would be practically annulled.

It may not be out of place to state the reasons which rendered the Fugitive Slave Act necessary in the estimation of the Democratic party and the slaveholding states of the South.

The Act passed February 12th, 1793, and approved by President Washington, prescribed the manner in which fugitives should be claimed and given up. By this Act the owner was authorised to seize and arrest his slave wherever he could find him, and take him before a judge of the United States courts, or any magistrate of a county, city, or town corporate in the state in which the arrest was made, and if such judge or magistrate was satisfied that his claim was well founded, it was made his duty to give a certificate which was declared to be a sufficient warrant for removing the slave to the state from which he had fled.

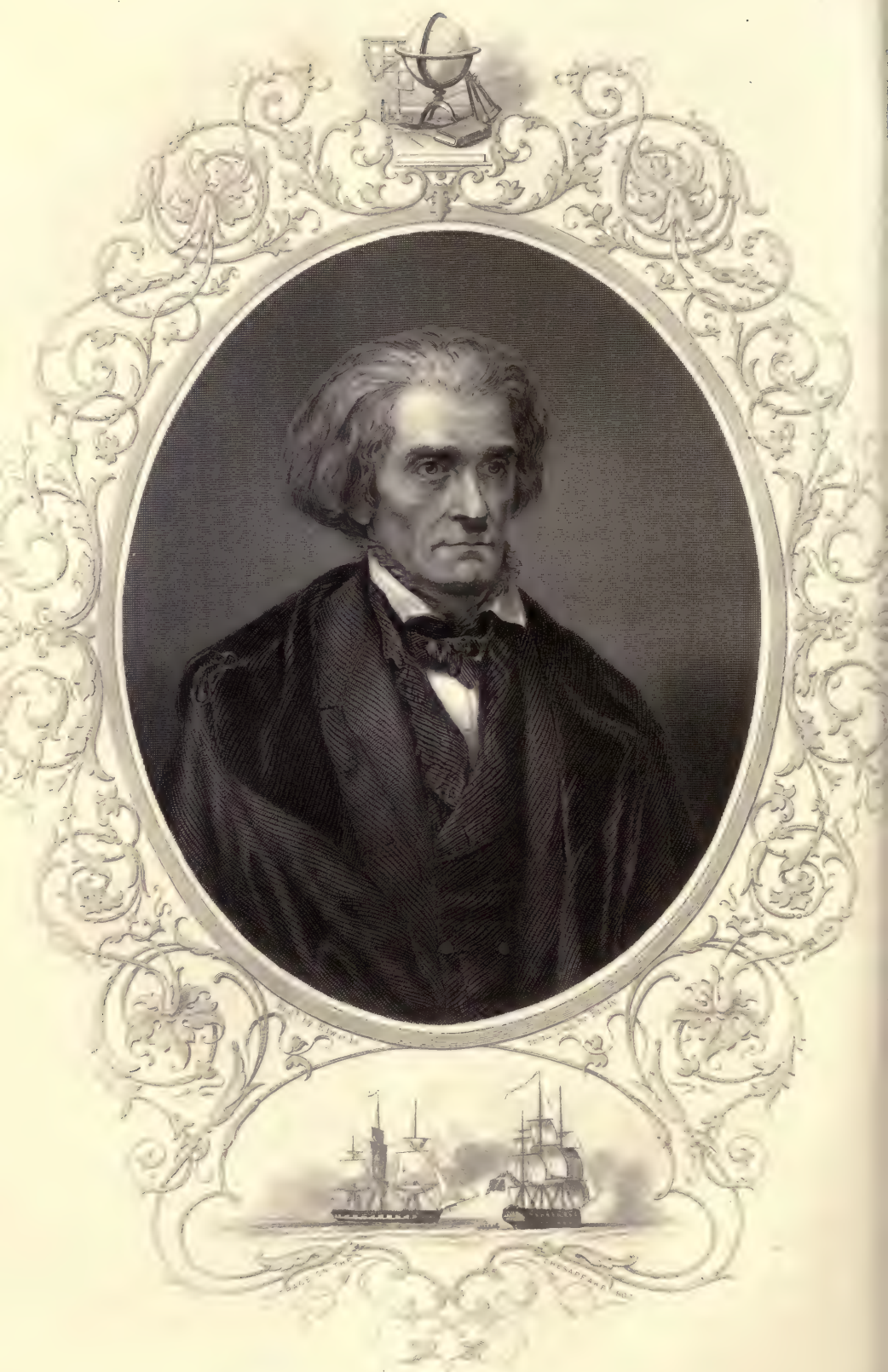
This law, which was passed soon after the adoption of the constitution, and by a Congress of which some of the framers of the constitution were members, met with general approval in all parts of the country. Although the proceedings under it were summary, without any other trial than an affidavit before a magistrate—and a fine of 500 dollars was imposed on any person who should knowingly obstruct the claimant or his agent—the Bill passed the Senate without a division, and the House of Representatives by a majority of forty-eight to seven.

After the passage of this law a strong sentiment grew up in the Northern States in opposition to slavery. Several states that had previously tolerated it passed acts for its abolition, and some even went so far as to prohibit state officers from affording any assistance in executing the law of Congress for the recovery of fugitives. It seemed to be conceded by the highest authority—the Supreme Court of the United States—that Congress had no power to compel such assistance. The consequence was that the execution of the law devolved on the judges of the United States courts alone; but they were too much occupied to give it their attention, even if the smallness of their number and the distances at which they resided apart had not rendered them inaccessible. The provision of the constitution, therefore, which the law was intended to carry out, was practically annulled.

A case illustrating this occurred in Pennsylvania, in 1839. A female slave from Maryland, who had escaped into the state, was pursued by the agent of her master, arrested, and brought before a Pennsylvania justice of the peace. He declined to take cognisance of the matter, or to grant the certificate the law required whereupon the agent took her home to her master without any









written warrant, was indicted in Pennsylvania for kidnapping, tried and convicted. He appealed to the United States Supreme Court. That tribunal reversed the judgment of the Pennsylvania court, and held that no state law could deprive the owner of the right to seize his slave, even without process, and take him home.

This decision was rendered in 1843. Not long afterward efforts began to be made in Congress for an amendment to the existing law, which was seen to be defective in the following particulars:—*First*, it had not provided a sufficient number of United States officers for its execution; *secondly*, it had not provided for the arrest of the fugitive in any other manner than by the claimant himself; *thirdly*, it had made no adequate provision to resist the force which reckless fanaticism might bring to rescue the slave; and *fourthly*, it had failed to define the kind of proof necessary to justify a certificate for his surrender. These were, in the opinion of the Democratic and pro-slavery party, the defects which were sought to be remedied by the Act of 1850.

By this Act provision was made for the appointment of a suitable number of commissioners, who were to have concurrent jurisdiction with the judges of the United States courts in hearing and determining these cases. Process for the arrest of the fugitive was to be executed by the marshal of the district, who was empowered to call to his assistance any number of persons to aid him in the performance of his duty. Proofs were to be taken by a court in the state from which the fugitive had fled, to establish the fact that he owed service to his claimant, and in case of apprehended resistance to his removal by his master, the commissioner was authorised to direct the marshal to return him to the state whence he fled.

The majority of the people in every section of the country respect the constitution, and are disposed to obey the laws. Furiously as the Fugitive Slave Law was for a while resisted by excited fanatics, it, as well as the other compromise measures, gradually came to be acquiesced in by the general and almost unanimous assent of the country, except in Massachusetts.

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## CHAPTER V.

DEATH OF SENATOR CALHOUN.—BIOGRAPHICAL NOTICE.—MEMORIAL SPEECHES BY WEBSTER AND CLAY.

THE first session of the thirty-first Congress adjourned on the 30th September, 1850. In the course of that session, John Caldwell Calhoun, the originator, or, at all events, the principal supporter and preacher, of the doctrine of "Nullification," that afterwards took the name of Secession, and one of the ablest statesmen of America, and then a senator of the United States, representing South Carolina, died at Washington the 31st of March. Appropriate resolutions were offered in the Senate and House of Representatives on the

announcement of his death. A brief sketch of his life, with the remarks of his compeers, Senators Webster and Clay, on the occasion of his decease, is due to a man who exercised so much influence, for good or evil, over the fortunes of his country.

Mr. Calhoun was born in South Carolina the 18th of March, 1782. With very limited opportunities of acquiring an education up to the age of nineteen, he then entered an academy. In 1802 he became a student of Yale College, Massachusetts; graduated two years afterwards with distinction; returned to South Carolina, where he studied law; was shortly afterwards admitted to the bar, and practised his profession. For some years he served in the legislature of his native state. From thence he was transferred to Congress in 1810, at the age of twenty-eight, and became at once a prominent member of the House of Representatives. In 1817 he became Secretary of War under President Monroe. In 1825 he was elected Vice-President of the United States; resigned the Vice-Presidency to represent South Carolina in the Senate, retiring voluntarily, at the expiration of his term, to private life. Called from his retirement by President Tyler, he assumed the portfolio of Secretary of State. The last five years of his life he represented South Carolina in the Senate.

The following remarks of Mr. Webster and Mr. Clay, in the Senate of the United States, show in what estimation he was held by kindred minds. Mr. Webster said:—"Sir, the eloquence of Mr. Calhoun, or the manner of his exhibition of his sentiments in public bodies, was part of his intellectual character. It grew out of the qualities of his mind. It was plain, strong, terse, condensed, concise; sometimes impassioned, still always severe. Rejecting ornament, not often seeking far for illustration, his power consisted in the plainness of his propositions, in the closeness of his logic, and in the earnestness and energy of his manner. These are the qualities, as I think, which have enabled him through such a long course of years to speak often, and yet always command attention. His demeanour as a senator is known to us all—is appreciated, venerated, by us all. No man was more respectful to others; no man carried himself with greater decorum, no man with superior dignity. I think there is not one of us but felt, when he last addressed us from his seat in the Senate—his form still erect, with a voice by no means indicating such a degree of physical weakness as did in fact possess him, with clear tones, and an impressive, and I may say, an imposing manner—who did not feel that we might imagine that we saw a senator of Rome, when Rome survived?"

"Sir, I have not in public or in private life known a more assiduous person in the discharge of his appropriate duties. He seemed to have no recreation but the pleasure of conversation with his friends. Out of the chambers of Congress he was either devoting himself to the acquisition of knowledge pertaining to the immediate subject of the duty before him, or else he was indulging in some social interviews in which he so much delighted. His colloquial talents were certainly singular and eminent. There was a charm in his conversation not often found. He delighted especially in conversation and intercourse with young men. I suppose that there has been no man among us who had more winning manners, in such an intercourse and such conversation, with men comparatively young, than Mr. Calhoun. I believe one great power



of his character, in general, was his conversational talent. I believe it is that, as well as a consciousness of his high integrity, and the greatest reverence for his talents and ability, that has made him so endeared an object to the people of the state to which he belonged.

“Mr. President, he had the basis, the indispensable basis, of all high character; and that was unspotted integrity, unimpeached honour and character. If he had aspirations, they were high, and honourable, and noble. There was nothing grovelling, or low, or meanly selfish, that came near the head or the heart of Mr. Calhoun. Firm in his purpose, perfectly patriotic and honest, as I am sure he was, in the principles that he espoused, and in the measures that he defended, aside from that large regard for that species of distinction that conducted him to eminent stations for the benefit of the republic, I do not believe he had a selfish motive or selfish feeling. However he may have differed from others of us in his political opinions or his political principles, those principles and those opinions will now descend to posterity under the sanction of a great name. He has lived long enough, he has done enough, and he has done it so well, so successfully, so honourably, as to connect himself for all time with the records of his country. He is now an historical character. Those of us who have known him here will find that he has left upon our minds and our hearts a strong and lasting impression of his person, his character, and his public performances, which, while we live, will never be obliterated. We shall, hereafter, I am sure, indulge in it as a grateful recollection, that we have lived in his age, that we have been his contemporaries, that we have seen him and heard him, and know him. We shall delight to speak of him to those who are rising up to fill our places. And, when the time shall come that we ourselves shall go, one after another, in succession to our graves, we shall carry with us a deep sense of his genius and character, his honour and integrity, his amiable deportment in private life, and the purity of his exalted patriotism.”

Mr. Clay said:—“Mr. President, prompted by my own feelings of profound regret, and requested at the same time by some highly-esteemed friends, I wish to add a few words to what has been so well and so justly said by the surviving colleague of the illustrious deceased. My personal acquaintance with him, Mr. President, commenced upwards of thirty-eight years ago. We entered at the same time together the House of Representatives at the other end of this building. The Congress of which we thus became members was that amongst whose deliberations and acts was the declaration of war against the most powerful nation, as it respects us, in the world. During the preliminary discussions which arose in the preparation for that great event, as well as during those which took place when the resolution was finally adopted, no member displayed a more lively and patriotic sensibility to the wrongs which led to that momentous event than the deceased, whose death we all now so much deplore. Ever active, ardent, able, no one was in advance of him in advocating the cause of his country, and denouncing the foreign injustice which compelled us to appeal to arms. Of all congresses with which I have had acquaintance since my entry into the service of the Federal government, in none, in my humble opinion, has been assembled such a galaxy of eminent and

able men as were in the House of Representatives of that Congress which declared the war, and in that immediately following the peace; and amongst that splendid assemblage none shone more bright and brilliant than the star which is now set.

"It was my happiness, sir, during a large part of the life of the departed, to concur with him on all great questions of national policy. And, at a later period, when it was my fortune to differ from him as to measures of domestic policy, I had the happiness to agree with him generally as to those which concerned our foreign relations, and especially as to the preservation of the peace of the country. During the long session at which the war was declared, we were messmates, as were other distinguished members of Congress from his own patriotic state. I was afforded, from the intercourse which resulted from that fact, as well as the subsequent intimacy and intercourse which arose between us, an opportunity to form an estimate, not merely of his public, but of his private life; and no man with whom I have ever been acquainted exceeded him in habits of temperance and regularity, and in all the freedom, frankness, and affability of social intercourse, and in all the tenderness, and respect, and affection which he manifested towards that lady who now mourns, more than any other, the sad event which has just occurred. Such, Mr. President, was the high estimate I formed of his transcendent talents, that, if at the end of his service in the executive department under Mr. Monroe's administration, he had been called to the highest office in the government, I should have felt perfectly assured that under his auspices the honour, the prosperity, and the glory of our country would have been safely placed.

"Sir, he is gone! No more shall we witness from yonder seat the flashes of that keen and penetrating eye of his, darting through this chamber. No more shall we behold that torrent of clear, concise, compact logic, poured out from his lips, which, if it did not always carry conviction to our judgment, commanded our great admiration. Those eyes and those lips are closed for ever! And when, Mr. President, will that great vacancy which has been created by the event to which we are now alluding—when will it be filled by an equal amount of ability, patriotism, and devotion to what he conceived to be the best interests of his country?

"Sir, this is not the appropriate occasion, nor would I be the appropriate person, to attempt a delineation of his character, or the powers of his enlightened mind. I will only say, in a few words, that he possessed an elevated genius of the highest order; that in felicity of generalisation of the subjects of which his mind treated, I have seen him surpassed by no one; and the charm and captivating influence of his colloquial powers have been felt by all who have conversed with him. I was his senior, Mr. President, in years—in nothing else. According to the course of nature I ought to have preceded him. It has been decreed otherwise; but I know that I shall linger here only a short time, and shall soon follow him. And how brief, how short is the period of human existence allotted even to the youngest amongst us!

"Sir, ought we not to profit by the contemplation of this melancholy occasion? Ought we not to draw from it the conclusion how unwise it is to indulge in the cerbity of unbridled debate?—how unwise to yield ourselves to



the sway of the animosities of party feeling?—how wrong it is to indulge in those unhappy and hot strifes which too often exasperate our feelings and mislead our judgments in the discharge of the high and responsible duties we are called to perform?—how unbecoming, if not presumptuous, it is in us, who are the tenants of an hour in this earthly abode, to wrestle and struggle together with a violence which would not be justifiable if it were our perpetual home?

“In conclusion, while I beg leave to express my cordial sympathies and deepest condolence toward all who stand in near relation to him, I trust we shall all be instructed by the eminent virtues and merits of his exalted character, and be taught by his bright example to fulfil our great public duties by the lights of our own judgment and the dictates of our own consciences, as he did according to his honest and best conceptions of those duties, faithfully, and to the last.”

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## CHAPTER VI.

PRESIDENT FILLMORE'S FIRST ANNUAL MESSAGE.—CLOSE OF THE THIRTY-FIRST CONGRESS.—ACTS OF THE PAST SESSION.—OPPOSITION TO THE FILLMORE ADMINISTRATION.—MEETING OF THE THIRTY-SECOND CONGRESS.—PRESIDENTIAL MESSAGE.

THE second session of the thirty-first Congress commenced at Washington on the 2nd of December. Committees from each body were appointed to wait upon the President, and inform him that they were ready to receive any Message he might be pleased to communicate. The President thereupon transmitted, in writing, his first annual Message. He commenced by referring to the painful dispensation of Providence by which he was called to the responsible station he held, and proceeded to indicate the policy that would govern his administration, both in its foreign and domestic relations. In his domestic policy he said he would be guided by the chart of the constitution, and, in questions of doubt, governed by the judicial decisions of the tribunal especially established to expound it. He regarded all its provisions as equally binding, and looked upon the constituted authorities as mere agents to carry out the will of the people, as expressed in that instrument. “Every power,” he held, “which it has granted is to be exercised for the public good; but no pretence of utility, no honest conviction, even of what might be expedient, can justify the assumption of any power not granted.” . . . . . “And I deem it my first duty not to question its wisdom, add to its provisions, evade its requirements, or nullify its commands.” As to the appointing power conferred upon him, the President promised that, in his exercise of it, it should be used to elevate the standard of official employment, by selecting, for places of importance, individuals fitted for the posts to which they were assigned by their known integrity, talents, and virtues.

On the subject of the foreign relations of the republic, he stated that no

unfavourable change had taken place since the opening of the last session of Congress, when the United States were at peace with all nations. A convention, which had been negotiated between the United States and Great Britain by the last Congress, for facilitating and protecting the construction of a ship canal between the Atlantic and Pacific oceans, and for other purposes, had since been ratified by the contracting parties, the exchange of ratification effected, and proclamation thereof been duly made. Two other obligations of the convention—viz., the designation and establishment of a free port at each end of the canal, and an agreement fixing the distance from the shore within which belligerent maritime operations should not be carried on—remained to be accomplished.

The President stated that the company of citizens of the United States, who had acquired from the state of Nicaragua the privilege of constructing a ship canal, already alluded to in the convention with Great Britain, had made progress in their preliminary arrangements, and he trusted that the guarantees given by that convention would be sufficient to secure the completion of the work with all practicable expedition.

Allusion was then made to a project by citizens of the United States for connecting the two oceans by railroad across the Isthmus of Tehuantepec, under grants of the Mexican government; but as *that* government entertained strong objections to some of the stipulations which the parties concerned in the enterprise deemed necessary for their protection and security, the project remained in abeyance. Fresh instructions had been given, however, to the Minister of the United States in Mexico to reconcile differences.

A proposition made by the government of Portugal, for payment of claims of citizens of the United States against that government, had been accepted by the United States, and he expected that a regular convention would be immediately negotiated for carrying the agreement into effect.

In reference to the convention with Brazil, made 27th January, 1849, the President stated the Commissioner had entered upon his duties, but as some of the documents, essential for the correct disposition of the claims, had not been forthcoming, he recommended that the time be extended for the duration of the commission, and also informed Congress that the sum due by the fourth article of the convention had been received.

The discriminating duties upon Chilian vessels and cargoes had been suspended, and he trusted it would impart a fresh impulse to the commerce between the two countries, which, since the acquisition of California, had already been considerably increased.

The total receipts into the Treasury, for the year ending 30th of June last, were 47,421,748 dollars, 90 cents. The total expenditures during the same period were 43,002,168 dollars, 90 cents. The public debt had been reduced, since the last annual report from the Treasury department, 495,276 dollars, 79 cents.

The large amount of public lands granted by Congress for military bounties would preclude the accruing of much revenue from that source; and aside from the permanent annual expenditures, which had largely increased, a portion of the public debt, amounting to 8,075,986 dollars, 59 cents, would have to be



provided for within the next two years. As it was not desirable that these accruing demands should be met by new loans, he recommended a revision of the tariff, and particularly urged *specific* in lieu of *ad valorem* duties.

As there was no mint in California, though an assayer's office was established there, he suggested the propriety of authorising gold bullion to be received in payment of government dues, inasmuch as the labourers in the mines were compelled to dispose of their gold dust at a large discount. He recommended the establishment of an agricultural bureau, with a chemist and mineralogist connected with it, under the control of the head of that bureau. He suggested the propriety of appointing commissioners to examine and adjust land titles in California, and called the attention of Congress to the necessity of extending the United States system of land laws over the state of California, as well as the territories of Utah and New Mexico.

The military force stationed in Texas and New Mexico being insufficient for protection and the fulfilment of the treaty stipulations with Mexico, an increase of one or more regiments of mounted men was recommended.

An asylum for the relief of disabled and destitute soldiers, as suggested by the Secretary of War, was also commended to favourable consideration.

In reference to the Navy Department, he stated that, with the exception of a single steamer on the northern lakes, the vessels in commission were distributed in the different quarters of the globe. The attention of Congress was invited to the suggestions of the head of that department, particularly those recommended for the security of the Pacific coast, and the protection and extension of the commerce of the United States with Eastern Asia. A commission (authorised by the last Congress to settle questions in relation to rank in the army and navy, and relative rank between officers of the two branches of the service) had been created, composed of officers of both branches of the service, and their report was expected at an early day. A retiring and pension law was earnestly recommended for the army and navy; also the revision of the code for the government of the navy.

In allusion to the Postal Department of the Government, the following information was communicated:—"At the close of the last fiscal year, the length of the inland mail routes in the United States (not embracing the service in Oregon and California) was 178,672 miles; the annual transportation thereon 46,541,423 miles; and the annual cost of such transportation 2,724,426 dollars. The increase of the annual transportation over that of the preceding year was 3,997,354 miles, and the increase in cost was 342,440 dollars. The number of post-offices in the United States, on the 1st day of July last, was 18,417, being an increase of 1,670 during the preceding year. The gross revenues of the department for the fiscal year ending June 30th, 1850, amounted to 5,552,971 dollars and 48 cents, including the annual appropriation of 200,000 dollars for the franked matter of the departments, and excluding the foreign postages collected for and payable to the British government. The expenditures for the same period were 5,212,953 dollars and 43 cents, leaving a balance of revenue over expenditures of 340,018 dollars and 5 cents." The President coincided with the Postmaster-General, in recommending the reduction of inland postage to three cents prepaid and five cents when not prepaid; and also that the postage

upon California, and other letters sent by United States ocean steamers, should be much reduced.

The establishment of a court to settle all private claims against the United States was urged upon the attention of Congress.

Attention was called to the necessity of protection and aid to the district of Columbia, inasmuch as it had neither voice nor vote. It was urged that, in consideration of the large stake the government held in public buildings in the district—the repositories of its public records—provision should be made, without delay, for an abundant supply of water.

In conclusion, the President referred to the series of measures, known as the compromise measures, passed at the last session of Congress, and recommended an adherence to the adjustment then established, until time and experience should demonstrate the necessity of further legislation to guard against evasion or abuse.

The second session of the thirty-first Congress closed on the 3rd of March, 1851, having passed fifty-five public Acts and twelve public Resolutions. As there was a large political majority opposed to the administration of Mr. Fillmore, many of his recommendations were not adopted. The most important of those that were adopted may be mentioned—viz., an asylum for disabled and destitute seamen, the settlement of land claims in California, and the survey of the public lands of that state.

A Bill, making appropriations for the improvement of rivers and harbours, passed the House of Representatives, but was defeated in the Senate by parliamentary tactics on the last day of the session, thus preventing a vote until the constitutional term of Congress had expired.

The first session of the thirty-second Congress commenced at Washington on the 1st day of December, 1851. In the Senate, William R. King, Vice-President, assumed the chair. In the House of Representatives the Honourable Linn Boyd, of Kentucky, was chosen as Speaker. Committees from each house were appointed to notify the President that they were ready to receive any communication he might be pleased to transmit. The President thereupon sent his annual Message.

He commenced by congratulating both Houses and the country upon the favourable auspices under which the session opened; the United States were at peace with all the nations of the world; the agitation which had threatened to disturb the fraternal relations of the Union were fast subsiding, and prosperity and health had crowned the nation with unusual blessings.

In adverting to the invasion of Cuba, he gave a synopsis of the Lopez expedition and its melancholy termination; stated that in its incipency he had issued his proclamation, warning all persons in danger of being inveigled into the scheme of its unlawful character, and of the penalties they would incur, and had instructed the officers of the United States to suppress it. He condemned, in the strongest terms, those engaged in that expedition, particularly such of them as were citizens of the United States; declared that they had forfeited the protection of the country by offences against its laws; notwithstanding, in consideration of their unoffending families and friends, as well as from a feeling of compassion for themselves, he would interpose his good offices with the



government of Spain to mitigate the punishment of such of them as had been condemned to confinement in that country. He excoriated the cupidity of those capitalists who, by supplies of money (which they knew could only be reimbursed by a process of bloodshed, war, and revolution), induced the deluded, ill-informed, and necessitous to hazard the peace of the country and violate its laws upon vague notions of altering or reforming governments in other friendly states; declared that the policy of the United States from the foundation of the government had been non-intervention and neutrality.

The President referred to the action of the British and French governments in issuing orders to their naval commanders to prevent, by force, if necessary, the landing of adventurers of any nation on the island of Cuba; stated the apprehension the government of the United States entertained that such interposition might lead to abuses in derogation of its maritime rights; declared that no American ship should be allowed to be visited or searched for the purpose of ascertaining the character of individuals on board; nor should there be allowed any watch by the vessels of any foreign nation over American vessels on the coast of the United States, or the seas adjacent thereto. That upon this subject correspondences had been opened with the British and French governments, and official assurances had been received from the French government that, in orders to their naval commanders, they had expressly instructed them, in any operations they might be engaged in, to respect the flag of the United States.

In commenting upon the attack which had been made upon the Spanish Consul's office, at New Orleans, by a mob, he recommended that indemnity should be made for the outrage.

Attention was directed to the subject of reciprocal trade between the United States and Canada, and other British possessions near the United States frontier; also to the boundary line between Oregon and the British possessions. A convention had been concluded, and the ratifications exchanged for the adjustment of claims of citizens of the United States against Portugal. The first instalment of the amount had been paid. In the case of the General Armstrong, the President of the French Republic had been selected as arbiter.

Instructions had been given to the American Minister at Constantinople to ask of the Turkish government permission for the Hungarians, then imprisoned there, to remove to the United States. The request had been complied with, and as the Congress had authorised the President to send a national vessel to convey them to the United States, he had done so, and as they were shortly expected, he recommended Congress to consider how they should be received and treated.

The President deplored that the internal tranquillity of the Mexican nation had been seriously disturbed by persons from the United States, and as he apprehended their example might be followed by others, he had issued a proclamation upon the subject. This action he considered imperative by the obligations of treaties and the general duties of good neighbourhood. A convention between Mexico and the United States had been ratified by the United States government, and only awaited the decision of the Congress and the Executive of Mexico to facilitate the connection of the Atlantic and Pacific

oceans by a railroad across the Isthmus of Tehuantepec. In consequence, however, of civil convulsions in Nicaragua, no advance could prudently be made in disposing of the questions pending between the United States and that country.

The President announced that an inter-oceanic communication from the mouth of the St. John to the Pacific had been so far accomplished, as that passengers had actually traversed it, and merchandise had been transported over it. A considerable part of the railroad across the Isthmus of Panama had been completed, so that the mail and passengers could be conveyed thereon.

The office of Commissioner to China remained unfilled. Several persons had been appointed, and the place had been offered to others, but all declined on the ground of the inadequacy of the compensation. The President recommended that the commissioner be placed, in regard to salary, on an equal footing with ministers who represented the United States at the courts of Europe.

The total receipts of the Treasury for the fiscal year ending June 30th, 1850, were 52,312,979 dollars, 87 cents. The total expenditure for the same period, 48,005,878 dollars, 68 cents. The imports for the year ending June 30, 1851, were 215,725,995 dollars. The exports for the same period were 217,517,130 dollars. The public debt on the 20th November, 1851, exclusive of the stock authorised to be issued to Texas, by the Act of the 9th of September, 1850, was 62,560,395 dollars, 26 cents.

In consideration of certain concessions made to the United States by the state of Texas, Congress appropriated 10,000,000 dollars in a 5 per cent. stock, redeemable in fourteen years from the 1st January, 1851, 5,000,000 unconditional to Texas, and 5,000,000 to such creditors of Texas who held bonds, for which duties on imports were specially pledged, conditioned on such creditors granting releases to the United States before the 1st October, 1851. Few releases had been filed. The President stated that, from documents furnished by the state of Texas, he had determined the classes of claims which, in his judgment, came under the provisions of the Act of Congress of the 9th September, 1850. Officially informed of the acceptance of Texas, he had caused to be prepared the amount to be delivered to Texas, which remained in the Treasury, subject to her order. The 5,000,000 dollars remaining unpaid awaited the further action of Congress.

The President reverted to the recommendation of his last annual Message as to a modification of the tariff; urged the change from *ad valorem* to *specific* duties; asserted that the evasion of the law, combined with the languishing condition of some of the great interests of the country, caused by over-importations and consequent depressed prices, and with the failures to obtain a foreign market for the increasing surplus of bread-stuffs and provisions, induced him to still advocate the same policy. Measures had been adopted for commencing the surveys of the public lands in California and Oregon, but further legislation and additional appropriations were required to complete them. The report of the Secretary of the Interior showed that the cash sales of the public lands exceeded those of the previous year.

In adverting to the Act of March 3rd, 1851, which provided three commissioners to settle private land claims in California, the President stated that



although the commissioners were immediately appointed, they declined the office in consequence of the inadequacy of the compensation; others were promptly selected, who, for the same reason, declined; and it was only until late in the season the services of proper persons were secured. He referred to these facts to explain the causes of the delay in filling the commission, and urged increased compensation. The recommendation of his previous Message as to the mineral lands of California he withdrew, and advised that they remain as heretofore—a common field, open to the enterprise and safety of all American citizens; the agricultural lands he recommended should be at once brought into market; and advised that the necessary provision be made by law for the establishment of land offices in California and Oregon. The attention of Congress he invoked to the recommendation in his last annual Message for the establishment of an agricultural bureau.

The Act of Congress of the 28th August, 1850, granting bounty lands for military services, had so far been carried out, that near one hundred thousand applications had been received, and about seventy thousand warrants issued in the space of nine months; and if adequate provisions by law were made to carry into effect the recommendations of the department, ere the close of the next fiscal year all entitled to the benefits of the Act would have received their warrants. The amendments suggested to the pension and bounty lands were recommended.

The relations between the United States and the Indian population residing in the north-west territory and west of the Mississippi were of a friendly character; but along the Mexican frontier and in California and Oregon occasional manifestations of unfriendly feeling had been exhibited. These had arisen more from the destitute and starving condition of the Indians than from any settled hostility to the whites. The President, therefore, urged that considerations of justice and humanity should prompt the United States to provide for their immediate wants, and encourage them to engage in agricultural pursuits, as a remedy for their future wants. Various treaties had been negotiated with different tribes of Indians, which were submitted to the Senate for ratification.

The joint commission, under the Treaty of Guadalupe Hidalgo, had been actively engaged in running and marking the boundary line between the United States and Mexico. In the preceding annual report of the Secretary of the Interior, it was stated that the initial point on the Pacific, and the point of junction of the Pila with the Colorado River, had been determined, and the intervening line, about 150 miles in length, run and marked by temporary monument. Since then a monument of marble had been erected at the initial point, and permanent landmarks of iron had been placed at suitable distances along the line. The initial point on the Rio Grande had also been fixed at latitude  $32^{\circ} 22'$ , and the survey of the line had been made thence westward 150 miles, to the neighbourhood of the copper mines.

The President regretted that from the non-receipt of the whole of the census returns, the Secretary of the Interior could not make the decennial apportionment of representatives among the states required by the Act of May 23rd, 1850.

The superintendent of the census had arranged in tabular form the statistical

returns of the marshals, for the publication of which the President recommended an appropriation.

The attention of Congress was called to the revision of the laws prescribing the compensation of district attorneys, clerks, marshals, &c. The harbour and coast defences were again brought to the notice of Congress, and the reasons urged in a former Message for liberal appropriations were reiterated. The survey of the Delta of the Mississippi had been nearly completed, and the reports were in course of publication.

The increase of the army, as necessary to carry out treaty stipulations with Mexico, and for the defence of the citizens of the United States on the frontiers, was recommended. The expenses of the army for the fiscal year ending June 30, 1851, were 9,060,268 dollars, 58 cents. The report of the Secretary of the Navy exhibited the condition of that department. The expedition despatched in search of Sir John Franklin had returned, not having accomplished its mission. The reorganisation of the naval establishment was recommended. The stone dock in the navy yard at Brooklyn, New York, had been so far finished as to be surrendered up to the authorities of the yard. The dry dock at Philadelphia was completed; that at Portsmouth, New Hampshire, was nearly ready for delivery; and a contract for a floating section dock on the bay of San Francisco had been concluded. The Navy Department reported that, by means of the wind and current charts projected and prepared by Lieutenant Maury, the passage from the Atlantic to the Pacific ports of the United States had been shortened by about forty days. The President recommended an entire separation of the appropriations for the support of the naval service proper, from those few permanent improvements at navy yards and stations, and from ocean steam mail service, and other special objects assigned to the supervision of that department.

The report submitted by the Postmaster-General showed, at the close of the previous fiscal year, the length of mail routes within the United States was 196,290 miles; the annual transportation thereon 53,272,252 miles; and the annual cost of such transportation 3,421,754 dollars. The length of the foreign mail routes was about 18,349 miles, and the annual transportation thereon about 615,206 miles. The annual cost of the latter service was 1,472,187 dollars, of which 448,937 was paid by the Post-office Department, and 1,023,250 through the Navy Department. The number of post-offices in the United States on the 30th June last was 19,796. There were established during the year 1,698, and 256 were discontinued. The gross revenues of the department for the fiscal year, excluding the foreign postages collected for and payable to the British post-office, amounted to 6,727,866 dollars, 78 cents. The expenditures for the same period (excluding the amount paid to the British post-office, and 20,599 dollars, 49 cents for mail service in 1832-3) amounted to 6,024,566 dollars, 79 cents, leaving a balance of revenue over the proper expenditures of the year of 703,299 dollars, 99 cents. The receipts for postages during the year (excluding foreign postages paid to the British post-office) amounted to 6,345,747 dollars, 21 cents, an increase of 997,610 dollars, 79 cents, or  $18\frac{65}{100}$  per cent. over the like receipts for the preceding year. The reduction of the letter postage made by the preceding Congress had not been in effect long enough to judge of its permanent effect



upon the revenues of the Post-office; and notwithstanding the receipts had fallen off, yet the large surplus would justify an adherence to the change. The rates on printed matter the President recommended to be simplified.

The appointment of a commission to revise the public statutes of the United States, arrange them in order, simplify their language, supply deficiencies, and correct incongruities, and to report the same to Congress for its action, was recommended by the President. He stated that the corner-stone of the Capitol enlargement had been laid with proper ceremonies on the 4th July, 1851; the work had advanced with considerable rapidity, and the foundations of both wings were now complete. The interests of the district of Columbia were commended to the special attention of Congress. The recommendation in his last annual Message for the appointment of a court of claims was again urged.

In conclusion, the President regretted that resistance had been made in some parts of the Union to the Fugitive Slave Act; that in the attempt to execute the law, the officers were openly resisted, their efforts frustrated and defeated by violent and lawless mobs; that in one case such resistance resulted in the death of an estimable citizen, and in others serious injuries ensued to those who were attempting to sustain the laws. Prosecutions had been instituted against the offenders, and it was alike his duty and his intention that the majesty of the law should be vindicated. The wisdom of the declaration was but too clearly proved by subsequent events.

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## CHAPTER VII.

ACTS OF CONGRESS.—THE EXPEDITION TO CUBA.—PROPOSAL OF ENGLAND AND FRANCE FOR A TREATY TO SECURE THE SPANISH POSSESSION OF CUBA.—PRESIDENT FILLMORE REJECTS THE PROPOSAL. LETTER OF THE SECRETARY OF STATE.—ARRIVAL OF Kossuth.—HE APPLIES FOR INTERVENTION.

DURING the first session of the thirty-second Congress (1851-2), there were passed sixty-five public and fifty-seven private Acts, besides fourteen joint Resolutions. The most important Act of the session was that to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam. The Act provided for the appointment of inspectors in all parts of the Union, to make examinations of the hulls, boilers, and engines of all steamers, and to see that proper provisions were made throughout such vessels to guard against loss or damage by fire. It compelled all steamers to carry life-boats, life-preservers, floats, &c., in proportion to their several capacities, for the preservation of the lives of passengers in cases of emergency. It authorised the collectors of the several ports of the country to refuse clearances to all vessels not having the certificate of the inspectors. It also provided that special licenses should be required for all steam-passenger vessels carrying gunpowder or other explosive burning materials or fluids, and that all engineers and pilots employed upon such vessels should procure a certificate of qualification before

entering on the discharge of their duties under heavy penalties for a breach of the law.

Another Act was passed, appropriating 6,000 dollars for the return to the United States of American citizens who had been engaged in the invasion of Cuba, imprisoned and pardoned by the Queen of Spain. A branch mint was established at San Francisco, California, during this session. The right of way was granted to the state of Missouri through the public lands of the United States, for the construction of railroads in various parts of that state, and in aid of building them, alternate sections,\* for six sections in width on each side of the roads, were granted.

An Act was passed simplifying newspaper and pamphlet postage, in accordance with the recommendation of the President; and 1,142,250 dollars were appropriated for the transportation of the foreign and domestic mails by ocean steamers.

A brief account of the invasion of Cuba and its supposed origin finds a fitting place in this portion of our history.

Very early in the morning of the 3rd of August, 1851, a steamer, called the Pampero, departed from New Orleans for Cuba, having on board upwards of 400 armed men, with the intention to make war upon the authorities of the island of Cuba. This expedition was set on foot in palpable violation of the laws of the United States. Its leader was a Spaniard, and several of the chief officers and some others engaged in it were foreigners. The persons composing it, however, were mostly citizens of the United States.

Before the expedition set out, and probably before it was organised, a slight insurrectionary movement, which was soon suppressed, had taken place in the eastern quarter of Cuba. The importance of this movement was so much exaggerated in the accounts of it published in the United States, that these adventurers seem to have been led to believe that the Creole population of the island not only desired to throw off the authority of the mother country (Spain), but had resolved upon that step, and had begun a well-concerted enterprise for effecting it. The persons engaged in the expedition were generally young and ill-informed. The steamer in which they embarked left New Orleans stealthily, and without a clearance. After touching at Key West, she proceeded to the coast of Cuba, and on the night between the 11th and 12th of August landed the persons on board at Playtas, within about twenty leagues of Havana. The main body of them proceeded to, and took possession of, an inland village six leagues distant, leaving others to follow in charge of the baggage, as soon as the means of transportation could be obtained. The latter, having taken up their line of march to connect themselves with the main body, and having proceeded about four leagues into the country, were attacked on the morning of the 13th by a body of Spanish troops, and a bloody conflict ensued; after which, they retreated to the place of disembarkation, where about fifty of them obtained boats and re-embarked therein. They were, however, intercepted among the Keys, near the shore, by a Spanish steamer cruising on the coast, captured, and carried to Havana, and after being examined before a military court, were sentenced to be publicly executed. The sentence was carried into effect on the

\* A section of land is 640 acres.



16th of August. At the time of their trial and execution the main body of the invaders were still in the field, making war upon the Spanish authorities and Spanish subjects. After the lapse of some days, being overcome by the Spanish troops, they dispersed on the 24th of August. Lopez, their leader, was captured some days after, and executed on the 1st of September. Many of his remaining followers were killed, or died of hunger and fatigue, and the rest were made prisoners. Of these none appear to have been tried or executed. Several of them were pardoned upon application of their friends, and the rest, about 160 in number, were sent to Spain. These men were finally pardoned, and Congress provided for their expenses home. The Collector of New Orleans was removed from office for neglect of duty, and the Pampero was seized by order of government, near Jackson, Florida, and tried, condemned, and sold, for a violation of the neutrality laws of the United States.

President Fillmore's course in relation to Cuba was very generally approved by the country. The fundamental principle of his policy was, that the people of one nation are no proper judges of the political necessities of another, particularly when they differ in language, religion, habits of thought, traditions, prejudices, and training. By a powerful and instinctive impulse, every people indignantly repel foreign interference in their government; and this spontaneous dictate of patriotism is reinforced by the conclusions of the calmest and most enlightened reason. None except those who live among a people, and share their feelings and prejudices, are proper judges of the kind of government that is suited to their wants. It is therefore as absurd in itself as it is contrary to the law of nations, for one people to attempt to revolutionise the government of another.

The unfortunate termination of the Lopez expedition did not quell the filibustering spirit in the United States, nor quiet the suspicions of the authorities of Cuba. In the autumn of 1852, the steamer *Crescent City*, which plied regularly between New York and New Orleans, touching at Havana, and carrying the United States mail, had a purser by the name of Smith, who was suspected of being an agent of mischief between the revolutionists in the island and their abettors in New York. He was charged by the Cuban authorities with bearing messages back and forth, and communicating inflammatory articles to the New York newspapers for the purpose of fomenting the discontent which threatened the loss of the island by Spain. This individual having thus become obnoxious, the Captain-General of Cuba objected to his landing. This he had an undoubted right to do; for no principle is better established than that the government of every nation has a right to exclude from its territories all persons whom it may consider dangerous to its peace. The owner of the *Crescent City*, however, declined to remove purser Smith from his steamer—insisted that it should land at Havana with him on board, and threatened to seek redress by force if the vessel should not be permitted to land. This would amount to a declaration of war by a private individual. Although the President did not approve the conduct of the Captain-General of Cuba, and made it the subject of diplomatic representations to the court of Spain, he did not recognise the right of a private citizen to take the redress of his supposed grievances into his own hands, and he addressed a letter to the Collector of New York, stating that if the owner of the *Crescent City* should repeat his attempts to enter the

port of Havana, and by violating the laws of a foreign nation within its own jurisdiction should forfeit his vessel, he could expect no indemnity for such an act of folly from the United States government. As the government of the United States regulates the conditions on which all foreign vessels may enter their ports, and fixes the penalties for the violation of their laws, and never allows the right to do so to be questioned by foreigners, so the American government is not permitted to question the right of the Spanish government to make and enforce their own regulations. The President, therefore, decided that the owner of the *Crescent City* must wait the result of the negotiations between the two governments. It was not a question to be settled between him and Cuba, nor even between the United States and Cuba, but between the United States and Spain, which is responsible for the conduct of the Governor of Cuba. The course of the President on this occasion was warmly approved by the public press.

The forays against Cuba by armed filibusters from the United States attracted the attention of European governments, who were somewhat alarmed by the supposed danger that the island would be wrested from Spain, and fall into the possession of that government. In the early part of the year 1852 a proposal was made to the Secretary of State, by the French and English ministers, to enter into a tripartite treaty by which the three powers should bind themselves for all coming time neither to make any attempt to acquire Cuba for themselves, nor to countenance any such attempts by others. Although this proposal evinced a disposition on the part of foreign governments to impertinent interference in American affairs, the communication of the French minister was treated respectfully. Mr. Webster addressed him a note stating that the President would take the proposal of the French and English governments into consideration, and make the questions it involved the subject of mature reflection. Although the President had, with the most unflinching determination, exerted his official authority for repressing the attempts of the filibusters, which were made the occasion of this proposal, and was opposed, for reasons of domestic policy, to the immediate acquisition of Cuba, even if it could be gained by purchase and without an interruption of friendly relations with Spain, he was nevertheless decidedly opposed to entering into any such arrangement as that proposed by France and England. He adhered to the wise policy of Washington and Jefferson, which was opposed to entangling alliances with foreign powers. He was not willing to place the government of the United States in such a condition that it would be responsible to others for the proper discharge of its duty. So far as related to the acquisition of Cuba by other powers, he knew that the United States had both the will and the ability to prevent it without foreign assistance. As to its acquisition by the United States, although they did not want it at present, he regarded it as a geographical and political necessity that it would, at some future time, fall into their hands; and he would not allow a treaty with foreign nations to fetter the march of their destiny.

The final reply of the United States government to this proposal for a tripartite treaty was not made until after the death of Mr. Webster. In the autumn of 1852, Mr. Everett had accepted the office of Secretary of State, and on the 1st of December, in that year, he addressed to the Count de Sartiges, by



the direction of the President, a letter which ranks among the ablest state papers ever issued by the American government.

Mr. Everett stated that the most serious attention had been given to this proposal by the President, who at the same time that he did not covet the acquisition of Cuba for the United States, considered the condition of the island as an American and not a European question, and objected to the proposed treaty because it assumed that the United States have no other or greater interest in it than France and England. If the treaty should be assented to by the President, its certain rejection by the Senate would leave the question of Cuba more unsettled than when the arrangement was proposed. This, however, would not require the President to withhold his concurrence if no other objections existed. But the convention would be of no value unless it were lasting; and the President did not consider it within the competence of the treaty-making power to bind the government for all time to come not to make a purchase of Cuba. He was likewise unwilling to depart from the traditionary policy of the government which had always been averse to political alliances with European powers. After stating these preliminary objections, Mr. Everett went on to say:—

“But the President has a graver objection to entering into the proposed convention. He has no wish to disguise the feeling that the compact, although equal in its terms, would be very unequal in substance. England and France by entering into it would disable themselves from obtaining possession of an island remote from their seats of government, belonging to another European power, whose natural right to possess it must always be as good as their own—a distant island in another hemisphere, and one which by no ordinary or peaceful course of things could ever belong to either of them. If the present balance of power in Europe should be broken up—if Spain should become unable to maintain the island in her possession, and England and France should be engaged in a death struggle with each other, Cuba might then be the prize of the victor. Till these events all take place, the President does not see how Cuba can belong to any European power but Spain. The United States, on the other hand, would by the proposed convention disable themselves from making an acquisition which might take place without any disturbance of existing foreign relations, and in the natural order of things.

“The island of Cuba lies at our doors; it commands the approach to the Gulf of Mexico, which washes the shores of five of our states; it bars the entrance to that great river which drains half the North American continent, and, with its tributaries, forms the largest system of internal water communication in the world; it keeps watch at the doorway of our intercourse with California, by the Isthmus route. If an island like Cuba, belonging to the Spanish crown, guarded the entrance to the Thames or the Seine, and the United States should propose a convention like this to England and France, those powers would assuredly feel that the disability assumed by ourselves was far less serious than that which we asked them to assume.

“The opinion of American statesmen at different times, and under varying circumstances, has differed as to the desirableness of the acquisition of Cuba by the United States. Territorially and commercially, it would in our hands be an extremely valuable possession. Under certain contingencies it might be almost

essential to our safety; still, for domestic reasons, on which, in a communication of this kind, it might not be proper to dwell, the President thinks that the incorporation of the island into the Union at the present time, although effected with the consent of Spain, would be a hazardous measure, and he would consider its acquisition by force, except in a just war with Spain, should an event so greatly to be deprecated take place, as a disgrace to the civilisation of the age. The President has given ample proof of the sincerity with which he holds these views. He has thrown the whole force of his constitutional power against all illegal attacks upon the island. It would have been perfectly easy for him, without any seeming neglect of duty, to allow projects of a formidable character to gather strength by connivance. No amount of obloquy at home, no embarrassments caused by the indiscretions of the colonial government of Cuba, have moved him from the path of duty. In this respect the captain-general of that island, an officer apparently of upright and conciliatory character, but probably more used to military command than the management of civil affairs, has, on a punctilio in reference to the purser of a private steamship, who seems to have been entirely innocent of the matters laid to his charge, refused to allow passengers and the mails of the United States to be landed from a vessel having him on board. This certainly is a very extraordinary mode of animadverting upon a supposed abuse of the liberty of the press by the subject of a foreign government in his native country. The captain-general is not permitted by his government, three thousand miles off, to hold any diplomatic intercourse with the United States; he is subject in no degree to the direction of the Spanish Minister at Washington; and the President has to choose between a resort to force to compel the abandonment of this gratuitous interruption of commercial intercourse—which would result in a war—and a delay of weeks and months, necessary for a negotiation with Madrid, with all the chances of the most deplorable occurrences in the interval, and all for a trifle, that ought to have admitted of a settlement by an exchange of notes between Washington and Havana. The President has, however, patiently submitted to these evils, and has continued faithfully to give to Cuba the advantage of those principles of the public law under the shadow of which she has departed in this case from the comity of nations. But the incidents to which I allude, and which are still in train, are among many others which point decisively to the expediency of some change in the relations of Cuba, and the President thinks that the influence of England and France with Spain would be well employed in inducing her so to modify the administration of the government of Cuba as to afford the means of some prompt remedy for evils of the kind alluded to, which have done much to increase the spirit of unlawful enterprise against the island. That a convention such as is proposed would be a transitory arrangement, sure to be swept away by the irresistible tide of affairs in a new country, is to the apprehension of the President too obvious to require a laboured argument. The project rests on principles applicable, if at all, to Europe, where international relations are in their basis of great antiquity slowly modified for the most part in the progress of time and events, and not applicable to America, which, but lately a waste, is filling up with intense rapidity, and adjusting on natural principles those territorial relations which, on the first discovery of the continent,



were in a good degree fortuitous. The comparative history of Europe and America, even for a single century, shows this.

"In 1752, England, France, and Spain were not materially different in their political position in Europe from what they now are. They were ancient, mature, consolidated states, established in their relations with each other and the rest of the world—the leading powers of Western and Southern Europe. Totally different was the state of things in America. The United States had no existence as a people—a line of English colonies, not numbering much over a million of inhabitants, stretched along the coast. France extended from the Bay of St. Lawrence to the Gulf of Mexico, and from the Alleghanies to the Mississippi, beyond which westward the continent was a wilderness, occupied by wandering savages, and subject to a conflicting and nominal claim on the part of France and Spain. Everything in Europe was comparatively fixed—everything in America provisional, incipient, and temporary, except the law of progress, which is as organic and vital in the youth of states as of individual men. A struggle between the provincial authorities of England and France, for the possession of a petty stockade at the confluence of the Monongahela and the Alleghany, kindled the Seven Years' War, at the close of which the great European powers, not materially affected in their relations at home, had undergone astonishing changes on this continent. France had disappeared from the map of America, whose inmost recesses had been penetrated by her zealous missionaries and her resolute and gallant adventurers. England had added the Canadas to her transatlantic dominions. Spain had become the mistress of Louisiana, so that, in the language of the Archbishop of Mexico, in 1770, she claimed Siberia as the northern boundary of New Spain.

"Twelve years only from the Treaty of Paris elapsed, and another great change took place, fruitful of still greater changes to come. The American revolution broke out. It involved England, France, and Spain in a tremendous struggle, and at its close the United States of America had taken their place in the family of nations. In Europe, the ancient states were restored substantially to their former equilibrium, but a new element of incalculable importance in reference to territorial arrangements is henceforth to be recognised in America. Just twenty years from the close of the war of the American revolution, France, by a treaty with Spain, of which the provisions have never been disclosed, possessed herself of Louisiana, but did so only to cede it to the United States; and in the same year Lewis and Clark started on their expedition to plant the flag of the United States on the shores of the Pacific. In 1819, Florida was sold by Spain to the United States, whose territorial possessions in this way had been increased threefold in half a century. This last acquisition was so much a matter of course, that it had been distinctly foreseen by the Count Aranda, then Prime Minister of Spain, as long ago as 1783. But even these momentous events are but the forerunners of new territorial revolutions still more stupendous.

"A dynastic struggle between the Emperor Napoleon and Spain, commencing in 1808, convulsed the peninsula, the vast possessions of the Spanish crown on this continent, vice-royalties and captain-generalships filling the space between California and Cape Horn. One after another asserted their independence; no friendly power in Europe, at that time, was able, or if able, was willing,

to succour Spain, or aid her to prop the crumbling buttresses of her colonial empire. So far from it, when France, in 1823, threw an army of one hundred thousand men into Spain, to control her domestic politics, England thought it necessary to counteract the movement by recognising the independence of the Spanish provinces in America; in the remarkable language of the distinguished minister of the day, in order to redress the balance of power in Europe, he called into existence a new world in the west, somewhat overrating perhaps the extent of the derangement in the old world, and not doing full justice to the position of the United States in America, or their influence on the fortunes of their sister republics on this continent.

"Thus, in sixty years from the close of the Seven Years' War, Spain, like France, had lost the last remains of her once imperial possessions in this hemisphere. The United States, meantime, were, by the arts of peace and the healthful progress of things, rapidly enlarging their dimensions and consolidating their power. The great march of events still went on. Some of the new republics, from the effect of a mixture of races, or the want of training in liberal institutions, showed themselves incapable of self-government. The province of Texas revolted from Mexico by the same right by which Mexico revolted from Spain; at the memorable battle of San Jacinto, in 1836, she passed the great ordeal of nascent states, and her independence was recognised by this government, by England, by France, and other European powers. Mainly peopled from the United States, she sought naturally to be incorporated into the Union. The offer was repeatedly rejected by Presidents Jackson and Van Buren, to avoid a collision with Mexico. At last the annexation took place. As a domestic question, it is no fit subject for comment in a communication to a foreign minister; as a question of public law, there never was an extension of territory more naturally or justifiably made. It produced a disturbed relation with the government of Mexico; war ensued, and in its results other extensive territories were, for a large pecuniary compensation on the part of the United States, added to the Union.

"Without adverting to the divisions of opinion which arose in reference to this war—as must always happen in free countries in reference to great measures—no person surveying these events with the eye of comprehensive statesmanship, can fail to trace in the main result the undoubted operation of the law of our political existence. The consequences are before the world; vast provinces, which had languished for three centuries under the leaden sway of a stationary system, are coming under the influences of an active civilisation, freedom of speech and the press—the trial by jury, religious equality, and representative government, have been carried by the constitution of the United States into extensive regions in which they were unknown before. By the settlement of California the great circuit of intelligence round the globe is completed. The discovery of the gold of that region, leading as it did to the same discovery in Australia, has touched the nerves of industry throughout the world."

When Mr. Everett's letter was published in the newspapers, it was greeted with a universal expression of satisfaction. The whole country approved of the course of the President in repelling the attempts of foreign governments to impose diplomatic fetters on the future growth of the Union.



The visit of Louis Kossuth, ex-governor of Hungary, to the United States, requires a passing notice. The President, in one of his messages, stated that the Turkish government had complied with the request of the American government to allow Kossuth and his followers to remove to the United States; that a national vessel had been despatched for them; that they were on their way thereto, and suggested the consideration of how they should be received and treated. In pursuance of this suggestion a joint resolution was passed by the Senate and the House of Representatives, "That Congress, in the name and behalf of the people of the United States, give to Louis Kossuth a cordial welcome to the capital and the country; and that a copy of this resolution be transmitted to him by the President of the United States." Subsequently, resolutions were passed in each of the Houses appointing committees to wait upon him on his arrival at the capital, and present him to their respective bodies.

Kossuth having left the United States national vessel which had been provided for his accommodation at one of the European ports at which she stopped, proceeded to England, and thence completed his voyage in a private steamship. He landed at New York on the 6th of December, 1851, as the guest of the city, resolutions to that effect having been passed by the city authorities. In a few days after his arrival deputations from various cities and towns waited upon him, to all of whom he proclaimed that his mission was to procure the intervention of the American government in the struggles that were going on in Europe, and then to return to his native country. This assertion, and the enthusiasm with which it was received by the people, created in the minds of many of the members of Congress serious alarm. His course was freely discussed in both Houses. It was stated, that when, twelve months previous, they had voted to send a national ship to bear him to the shores of the United States, it was done that he might come here as an emigrant, to settle as a citizen, and not as a propagandist of doctrines subversive of the settled policy of the government. That in inviting him to a seat in their respective bodies, it was not to be construed into any expression of opinion upon the subject of his doctrine of intervention.

No foreigner ever approached the shores of the United States who excited so much interest and sympathy as was felt for Kossuth, but his unequivocal condemnation of the policy of the American government damped the enthusiasm of the American people, as was seen by the cautious manner in which he was received by the Congress of the United States. On the 5th January, 1852, he was presented to the Senate of the United States, when he was welcomed by the President of the Senate in these words:—"Louis Kossuth, I welcome you to the Senate of the United States. The committee will conduct you to the seat which I have caused to be prepared for you." Immediately afterwards, on motion, the Senate adjourned to afford senators an opportunity of paying their respects to their illustrious guest.

On the 7th of the same month, on his presentation to the House of Representatives, the Speaker said:—"As the organ of this body, I have the honour to extend to Louis Kossuth a cordial welcome to the House of Representatives of the United States."

M. Kossuth replied in the following words:—"It is a remarkable fact in the history of mankind, that while, through all the past, honours were bestowed

upon glory, and glory was attached only to success, the legislative authorities of this great republic bestow the highest honours upon a persecuted exile, not conspicuous by glory, nor favoured by success, but engaged in a just cause. Sir, in my own and my country's name, I thank the House of Representatives of the United States for the honour of this cordial welcome." M. Kossuth was then conducted to a chair which had been prepared for him, and the House adjourned so as to give the members an opportunity to pay their respects to him. After this he proceeded to various states of the Union endeavouring to indoctrinate the American people with his ideas of what should be the policy of the American government.

When Kossuth had failed in his application to the American government, and in his appeal to the great body of the American people, he attempted to carry out his project by operating on the prejudices of foreign-born citizens. In a speech to German citizens in the city of New York, on the 14th of June, 1852, he said:—"You are strong enough to effect the election of that candidate for the Presidency who gives the most attention to the European cause. I find that quite natural, because between both parties there is no difference as regards the internal policy, and because only by the inanity of the German citizens of this country the election will be such that, by-and-by, the administration will turn their attention to other countries, and give every nation free scope. No tree, my German friends, falls with the first stroke; it is therefore necessary that, inasmuch as you are citizens, and can command your votes, you support the candidate who will pursue the external policy in our sense, and endeavour to effect that all nations become free and independent, such as is the case in happy America."

On the 23rd of the same month, Kossuth addressed a large assemblage of Germans at the Broadway Tabernacle. After the close of his speech a series of resolutions were adopted, of which the following are specimens:—

"*Resolved*,—That, as American citizens, we will attach ourselves to the Democratic party, and will devote our strength to having a policy of intervention in America carried out.

"*Resolved*,—That we expect that the candidate of the Democratic party will adopt the principles of this policy, which has been sanctioned by all distinguished statesmen of his party.

"*Resolved*,—That we protest against the manner in which, heretofore, the government of the United States has interpreted and applied the policy of neutrality, which is in violation of the spirit of the constitution of the United States.

"*Resolved*,—That we ask that every American citizen, not being attached to the soil, may support the strength of any other people in the sense as the juries have interpreted the principles of the American constitution, and especially of the policy of neutrality."

A few days afterward, Kossuth prepared a secret circular, which commenced as follows:—

"Sir,—I hope you have read already my German farewell speech, delivered June 23rd, in the Tabernacle at New York, and also the resolutions of the meeting, which were passed consequently.



"I hope, further, that the impression which this matter has made upon both political parties has not escaped your attention.

"Indeed, it is not easy to be mistaken, that the German citizens of America will have the casting vote in the coming election, if they are united in a joint direction upon the platform of the principles set forth in the speech aforementioned.

"They may decide upon the exterior policy of the next administration of the United States, and with that upon the triumph or the fall of liberty in Europe."

Immediately after issuing this address Kossuth left the United States for Europe under an assumed name, his popularity, which at first was very great, having utterly forsaken him.

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## CHAPTER VIII.

MEETING OF CONGRESS.—PRESIDENTIAL MESSAGE.—FOREIGN AFFAIRS.—PROSPERITY OF THE STATE:—ON THE PACIFIC COAST.—FINANCIAL STATEMENT.—THE TARIFF.—RELATIONS WITH THE INDIANS.—LAND SALES.—THE ARMY AND NAVY.—POLICY OF NON-INTERVENTION.—CONDITION OF THE COUNTRY.—ACTS OF CONGRESS.

THE second session of the thirty-second Congress met at Washington, on Monday, December the 6th, 1852. Both Houses immediately organised and appointed committees to wait upon the President, and inform him they were ready to receive any communication he might be pleased to make. The President thereupon transmitted a Message in writing, an analysis of which is as follows:—

He stated that no extraordinary political event had occurred since the close of the last session. The quadrennial election of chief magistrate had passed off with less than the usual excitement. The President then referred to the death of Daniel Webster, filling at his decease the post of Secretary of State, and stated that "his commanding talents, his great political and professional eminence, his well-tryed patriotism, and his long and faithful services in the most important public trusts, have caused his death to be lamented throughout the country, and have earned for him a lasting place in our history."

In reference to foreign relations, the President stated that considerable anxiety had been caused for a short time by an official communication from Great Britain, that orders had been given for the protection of the British fisheries in North America against the alleged encroachments of the fishing vessels of the United States and France. Satisfactory explanations had been given by Great Britain, which quieted all apprehensions. The unadjusted difference as to the interpretation of the first article of the Convention of 1818, between Great Britain and the United States, with the incident above alluded to, had led the President to recommend a convention for the adjustment of all differences between the two governments on the subject of the fisheries, Great

Britain having manifested a desire to enter into such a negotiation. The affairs of Cuba remained in an unsettled condition, and had interfered with the regular commercial intercourse between the United States and that island. In some cases, the Captain-General of Cuba had refused to allow passengers and the mail to be landed, without (in the President's opinion) a good presumptive ground for such prohibition, and he had made a serious remonstrance to the government at Madrid, through the United States minister at that court. Official notes from the ministers of France and England, inviting the government of the United States to a tripartite convention, disclaiming on the part of each, now and for the future, all intention to obtain possession of the island of Cuba, had been respectfully declined, the ministers of France and England being assured at the same time that the government of the United States entertained no design against Cuba. The rejection by the Mexican Congress of the convention which had been concluded between that government and the United States, relative to transit way across the Isthmus of Tehuantepec, had thrown a serious obstacle in the way of a very desirable national object. The subject had, however, engaged the attention of the American Senate, and the President hoped for an amicable adjustment.

The ship-canal project, which had been the subject of a convention between Great Britain and the United States (of the 19th April, 1850), remained in abeyance in consequence of difficulties between Costa Rica and Nicaragua. The government of Venezuela had acknowledged some claims of citizens of the United States, and the President hoped the congress of that republic would provide the means for payment. The revolution in Buenos Ayres and the Confederate States had opened up the prospect of an improved state of things in that quarter, whereupon France and Great Britain determined to open negotiations with the chief of the confederacy for commercial purposes, and had advised the United States to that effect. The President had therefore instructed the United States minister at Rio Janeiro, and the United States *chargé-d'affaires* at Buenos Ayres, to conclude treaties with the new confederation. A treaty of commerce had been concluded between the United States and the Oriental Republic of Paraguay, which promised great commercial advantages. It would be laid before the Senate. The Peruvian Minister of Foreign Affairs (previous to the reception by that government of the acknowledgment of the United States of her title to the Lobos Islands) had informed the United States *chargé-d'affaires* at Lima that the American vessels, which had gone to the Lobos Islands for guano, would be freighted by that government on its own account.

The President stated that the general prosperity of the American states on the Pacific had given a new direction to United States commerce on that ocean; that, therefore, an attempt should be made to open up the opposite regions of Asia to a mutually beneficial intercourse. For that purpose he had ordered an appropriate naval force to Japan, under the command of a discreet and intelligent officer of the highest rank in the service, with instructions to obtain from that government some relaxation of the inhospitable and anti-social system which it had pursued for upwards of two centuries; to remonstrate against the cruel treatment to which our shipwrecked mariners had often been subjected,



assuring the government of Japan that the expedition was friendly and peaceful. Should the expedition prove a success, as in the case of China, the advantages would ensue to all other maritime powers. In the steps taken for this expedition, the government of the United States had been materially aided by the good offices of the King of the Netherlands, the only European power having any commercial relations with Japan.

The President recommended that the Department of State be relieved of all matters purely domestic, and that those duties be transferred to the Department of the Interior. He also called attention to the public buildings in which the archives of the government were deposited, particularly those of the State, Navy, and War Department, neither of which were fire-proof.

The cash receipts into the Treasury for the fiscal year ending June 30th, 1852, exclusive of trust funds, were 49,728,386 dollars, 89 cents, and the expenditure for the same period, likewise exclusive of trust funds, was 46,007,896 dollars, 20 cents, of which 9,455,815 dollars, 83 cents was on account of the principal and interest of the public debt, including the last instalment of the indemnity to Mexico, under the Treaty of Guadalupe Hidalgo, leaving a balance of 14,632,136 dollars, 37 cents in the Treasury on the 1st day of July, 1852. Since this latter period further purchases of the principal of the public debt have been made to the extent of 2,456,547 dollars, 49 cents; and the surplus in the Treasury will continue to be applied to that object whenever the stock can be procured within the limits as to price authorised by law. The value of foreign merchandise imported during the last fiscal year was 207,240,101 dollars; and the value of domestic productions exported was 149,861,911 dollars, besides 17,204,026 dollars of foreign merchandise exported, making the aggregate of the entire exports 167,065,937 dollars; exclusive of the above, there was exported 42,507,285 dollars in specie, and imported from foreign parts 5,262,643 dollars.

In reference to the tariff, the President repeated the arguments of his former messages for *specific* in lieu of *ad valorem* duties, and in favour of discriminating protective duties; came out broadly for protection to the home manufacturer; urged that the large importations of foreign goods caused the most of the gold received from California to be shipped to Europe, thereby affecting the currency; stated that the domestic manufacturers were broken down by competition with foreigners, and contended that they should be protected for a time against foreign competition, otherwise the foreigners would have the control of the whole market, as was the case with the article of iron, then fixing the price at what they pleased.

Our relations with the Indians of California and Oregon were in an unsatisfactory condition, in consequence of the refusal of the Senate to ratify treaties made with them. The Senate amendments, proposed to the treaty negotiated with the Sioux Indians of Minnesota, had received their assent. A visit to Washington had been made by the chiefs of the Seminoles of Florida, and a general emigration of the whole tribe had been agreed upon, and was confidently expected at an early period.

The report of the General Land Office showed increased activity in its operations: 1,553,071 acres had been sold during the last fiscal year; 3,201,314 acres located with bounty land warrants; and 115,682 acres located with other cer-

tificates. In addition, there were reported under swamp land grants 5,219,188 acres, and 3,025,920 for internal improvements, railroad grants, &c., making an aggregate of 13,115,175 acres.

The apportionment of representatives, according to the last census, had been made by the Secretary of the Interior, and the recent elections had been made in accordance with it. A provisional clause in the appropriation for the survey of the southern boundary of New Mexico rendered inoperative the means for the accomplishment of that object. The President recommended a modification of the terms of the proviso. Attention was called to the interests of the district of Columbia. The supply of pure water, the building of bridges across the Potomac, the grading and paving of the streets of Washington, and the embellishment of the public grounds, were represented as objects worthy of immediate consideration.

Of about eleven thousand men of which the army was composed, eight thousand were employed in the defence of the newly acquired territory, including Texas, and of emigrants proceeding thereto. Their efforts had been successful. The policy of the United States towards the Indians had been to set aside portions of the public lands for their exclusive occupation. In Texas, however, this cannot be done—the state having retained exclusive jurisdiction over her public lands. The President recommended to that state to set apart portions of her public lands for the occupation of the Texas Indians, else serious embarrassment to the government of the United States would ensue from the non-fulfilment of the United States treaty stipulations with Mexico.

In reference to the Navy Department, the President stated that an unusual degree of activity prevailed in that quarter. The preparations for the Japan expedition; the arrangements made for the exploration and survey of the China seas, the Northern Pacific, and Behring's Straits; the incipient measures taken towards a reconnoissance of the continent of Africa, eastward of Liberia; the preparation for an early examination of the tributaries of the river La Plata which had been opened to navigation,—were amongst the more important.

The report of the exploration of the Amazon river, from the confines of Peru to its mouth (intrusted to two officers of the navy), had been made, and would be communicated at an early day.

The suggestions of the Secretary of the Navy particularly selected for special commendation by the President were—the plan for a permanent corps of seamen and the reorganisation of the naval academy.

The exhibit of the Postmaster-General showed that the receipts from postages during the last fiscal year (under the operation of the Act reducing the rates of postage) were less, by 1,431,696 dollars, than for the preceding year, being a decrease of about 23 per cent. The President, however, believed that ultimately the receipts would exceed the expenditure, and therefore the country could rely upon the continuance of the reduction.

The President controverted the opinion that the United States, having attained a standing among the nations, should intervene between contending sovereigns and their subjects, for the purpose of overthrowing the monarchies of Europe and establishing in their place republican institutions; stated that the uniform policy of the government of the United States from its foundation had



been to abstain from all interference in the domestic affairs of other nations, and that, by steadily adhering to their duty of self-government, the people of the United States would thereby set an example to all nations of the blessings of free government.

In conclusion, the President congratulated the Congress on the prosperous condition of the country; stated that its relations with all foreign nations were friendly; its rights were respected, and its high place in the family of nations cheerfully recognised.

The second session of the thirty-second Congress terminated by constitutional limitation on the 3rd of March, 1853, having passed fifty-nine public laws and fifteen public resolutions.

The most important Act of this session was one to prevent any person holding any place of trust or profit under the government of the United States, or discharging any official function therein, from prosecuting claims against the United States, under a penalty of 5,000 dollars—cases in any judicial court excepted. It also made it a misdemeanour, punishable with fine not exceeding 2,000 dollars, and imprisonment not exceeding three years, to destroy, carry off, or secrete any public paper, without reference to its value; and further, to offer a bribe to a member of Congress was made a misdemeanour, punishable by fine to an amount three times as great as the amount offered, and to three years imprisonment.

The right of way through the public lands was granted to the states of Arkansas and Missouri for the construction of railroads running through those states from a point on the Mississippi, opposite the mouth of the Ohio, *vid* Little Rock, to the Texas boundary near Fulton, in Arkansas, with branches to Fort Smith and the Mississippi river; and in aid of building them, alternate sections for six sections in width on each side of the road were granted.

An Act was also passed authorising the Secretary of the Treasury to purchase any outstanding United States stocks, with any surplus in the Treasury over 6,000,000 dollars. An assay office was also established in the city of New York. The salaries of the cabinet officers were changed from 6,000 dollars to 8,000 dollars per annum, and that of the deputy Secretary of State was fixed at 3,000 dollars per annum. The weight of the silver half-dollar was reduced to 192 grains, and all denominations below it in proportion. It, however, could only be used as legal tender to the amount of five dollars and smaller coins in similar proportion. The mint was also authorised to coin three-cent pieces, three-fourths silver and one-fourth copper, to weigh  $12\frac{3}{4}$  grains. A resolution was also passed during this session to pay the Spanish consul and other citizens of Spain for losses sustained by them during a riot at New Orleans in the year 1851, arising out of intelligence then recently arrived at that place of the execution of certain persons at Havana, in Cuba, by the Spanish authorities of that island. The amount appropriated was 50,000 dollars.

## CHAPTER IX.

VARIOUS EXPEDITIONS TO FOREIGN COUNTRIES.—DEATH OF SENATORS CLAY AND WEBSTER :  
MEMOIRS, AND EULOGISTIC SPEECHES ON THE OCCASIONS.

THE disbanding of the American-Mexican army had thrown upon the community a large number of idle but enterprising vagabonds, who were ready to engage in any plausible expedition that promised excitement, notoriety, and plunder. The discovery of the gold mines of California had unsettled the public mind, and instead of seeking a gradual accumulation of wealth by the regular course of patient industry, the restless spirit of the country was growing wild in the pursuit of foreign enterprises.

While, therefore, strong measures were necessary to prevent marauding expeditions against peaceful neighbours, it seemed desirable to turn this spirit of enterprise to some good account, by fitting out exploring expeditions to foreign countries, which should add to geographical knowledge, extend commerce, offer a field of enterprise to some of the most worthy of those who sought it, and present subjects of legitimate interest to occupy the public mind. With this view great efforts were made by the President to secure to American citizens the Tehuantepec route to the Pacific through Mexico, and the Nicaragua route through Central America.

Japan also attracted attention. Some American sailors, who had been shipwrecked and cast upon her shores, were inhospitably treated ; and the President determined to attempt a negotiation with that country for their protection, and for such commercial privileges as could be obtained. With a view to open commercial intercourse with this empire, which had for several centuries been a sealed book to the various nations of the civilised world, the President ordered Commodore Aulick to the command of the East India squadron, and empowered him to open negotiations with Japan. We copy the following paragraphs from the letter of instructions to Commodore Aulick, which was drawn up by Mr. Webster, Secretary of State :—

“The moment is near when the last link in the chain of oceanic steam navigation is to be formed. From China and the East Indies to Egypt ; thence through the Mediterranean and the Atlantic Ocean to England ; thence again to our happy shores, and other parts of this great continent ; from our own ports to the southernmost part of the isthmus that connects the two western continents, and from its Pacific coast, north and southward, as far as civilisation has spread, the steamers of other nations and of our own carry intelligence, the wealth of the world, and thousands of travellers.

“It is the President’s opinion that steps should be taken at once to enable our enterprising merchants to supply the last link in that great chain which unites all nations of the world, by the early establishment of a line of steamers from California to China. In order to facilitate this enterprise, it is desirable that we should obtain from the Emperor of Japan permission to purchase from his subjects the necessary supplies of coal which our steamers, in their out and



inward voyages, may require. The well-known jealousy with which the Japanese empire has for the last two centuries rejected all overtures from other nations to open its ports to their vessels, embarrasses all new attempts to change the exclusive policy of that country. . . . .

“The President, although fully aware of the great reluctance hitherto shown by the Japanese government to enter into treaty stipulations with any foreign nation—a feeling which it is sincerely wished that you may be able to overcome—has thought it proper, in view of this latter favourable contingency, to invest you with full power to negotiate and sign a treaty of amity and commerce between the United States and the Empire of Japan.”

Commodore Aulick became involved in difficulty in consequence of alleged misconduct to the Brazilian minister, who was a passenger on board his vessel to Rio Janeiro. This difficulty resulted in his recall; and it was afterward concluded to give a more imposing aspect to the mission by sending out an independent fleet, under the command of Commodore Perry, who was clothed with full powers of negociation. The difficulty of obtaining sailors, and delay in finishing some vessels intended for the squadron, detained it in port till the fall of 1852, when it sailed from Norfolk with fewer vessels than had been intended. The success of the expedition, however, was complete, and its history is to be found in the State and Navy Departments at Washington.

As soon as Rosas was driven from Buenos Ayres, and a prospect began to dawn of opening to the commerce of other nations the immense country bordering on the La Plata and its confluent, the American ministers at Rio and Buenos Ayres were directed to go to the seat of power wherever it should be found, whether in a confederation or in separate states, and endeavour to negotiate treaties of amity and commerce. Treaties had already been made during this administration, with Peru, Costa Rica, Uruguay, and Brazil; and the ministers just alluded to secured others. In furtherance of the same object the President sent a naval officer with a small steamer to survey the La Plata and its branches.

Inferring from the gold washings of the rivers of Africa, that when the interior mountains in which they take their rise are discovered and examined, they may prove to be another California, and believing that, if the conjecture were confirmed, the existence of gold mines would act as a powerful motive in inducing the free blacks of the United States to emigrate to that part of the world, Lieutenant Lynch was sent thither on an exploring expedition, the result of which has not yet been published. Like the reports of the Japan expedition, it sleeps in the archives of the Navy Department at Washington.

By the Act of August 31st, 1852, Congress provided for an exploring expedition to the Chinese seas, which was despatched by the President under Captain Ringgold. An expedition was also sent to explore the valley of the Amazon, which accomplished its object. The reports of the officers in command, which are printed among the Senate documents, are well worthy a perusal.

Efforts were also made to open the guano trade, which is a monopoly; and an unfortunate letter was written by the Secretary of State to Mr. Jewett; and, without the knowledge of the President, an order was sent to Commodore McAuley to protect American vessels in taking guano from the Lobos Islands.

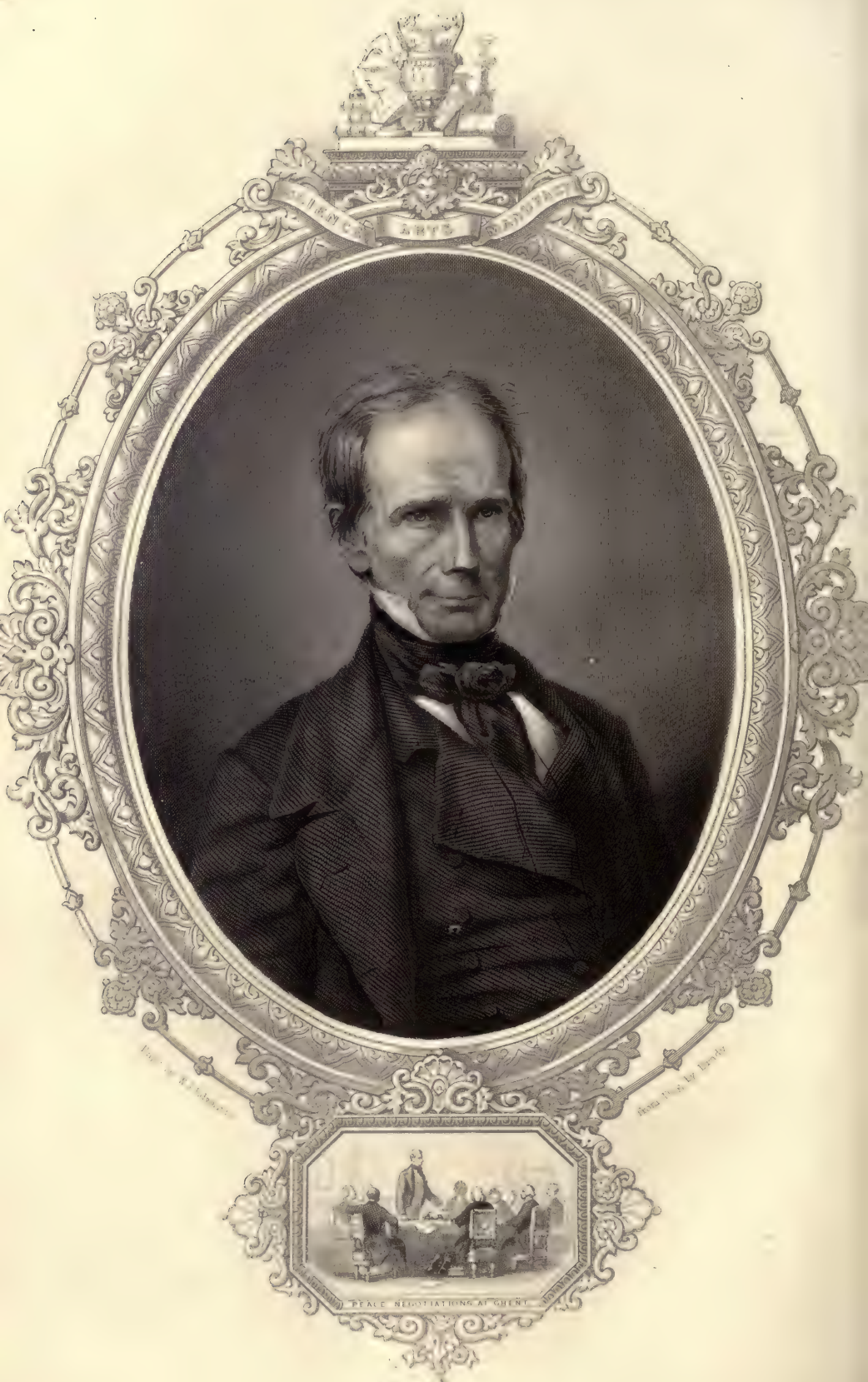
As soon as the President discovered it, the order was countermanded, and an arrangement was made with the Peruvian government to freight the vessels which had been sent out, at a stipulated price.

During the year 1852 the American people were called to mourn the loss of two of their most distinguished statesmen—Henry Clay and Daniel Webster. Mr. Calhoun, occupying a similar rank with them in the national councils, had died two years earlier. It will throw light upon the events that are to follow, if some attention be bestowed upon the lives and public services of these illustrious American statesmen. Calhoun, Clay, and Webster were contemporaries, and, from their lofty talents, statesmanship, and eloquence, were fitly styled *the great American triumvirate*; and as such their names will be thus associated for ever.

Henry Clay was born in Hanover, county Virginia, on the 12th April, 1777. He received a common school education, and at an early age became a copyist in the office of the Clerk of the Court of Chancery, at Richmond. At nineteen he commenced the study of the law, and at twenty was admitted to the bar. Shortly afterwards he removed to Lexington, Kentucky, where he was admitted to practise on the 4th October, 1799. He began his political career about this time, taking an active part in the election of delegates to form a new constitution for the state of Kentucky, contending, though unsuccessfully, among other reformers, for the gradual abolition of slavery. This rendered him unpopular; but his course in the Alien and Sedition Law restored him to popular regard, and in 1803 he was elected to the legislature of Kentucky, from Fayette county. In 1806 he was appointed to the United States Senate for the short remainder of the term of General Adair. In 1807 he was elected a member of the General Assembly of Kentucky, and was chosen Speaker of the House by a large majority. In 1809 he was appointed to serve two unexpired years in the Senate of the United States, in place of Mr. Thurston, resigned. In 1811 he was elected to the House of Representatives, and was chosen Speaker of that body, on the first day of his appearance, by a majority of nearly two to one. He was five times re-elected to that office. In January, 1814, he was appointed one of the commissioners to negotiate a treaty of peace at Ghent. Returning home, he was soon re-elected to Congress, and in 1818 he advocated the recognition of the South American republics. In 1819-20, he urged protection to American industry. In this latter year he retired from public life to attend to his private interests. In 1823 he was returned to Congress, and re-elected Speaker by over three-fourths of that body. In 1824, no candidate for the Presidency having been elected by the people, the contest was carried into the House of Representatives, where each state is entitled to but one vote. Through his influence the vote of Kentucky was cast for John Quincy Adams, which elected him President. On Mr. Adams's accession to the Presidency, Mr. Clay was appointed Secretary of State. In 1829 he returned to Kentucky. In 1831 was elected to the Senate of the United States; and in the same year, by the National Republican Convention, was unanimously nominated for the Presidency. In 1833, during a great excitement on the tariff question, he presented compromise measures, which were adopted, and resulted in quieting the agitation. In 1836 he was re-elected to the Senate, and remained in that body until 1842, when he resigned, not expecting again to return to public life.







WILLIAM C. C. BENTLEY

Portrait of W. C. Bentley

From a Photo by Bentley



PEACE NEGOTIATIONS AT QUER



In 1839 he was the most prominent candidate in the nomination for the Presidency until the assembling of the Whig National Convention, when unexpectedly, and upon the supposed availability of General Harrison, the latter received the nomination. In 1844 Mr. Clay was again unanimously nominated for the Presidency by the Whig National Convention, but was unsuccessful in the canvass. He remained in retirement until 1849, when he was re-elected to the Senate of the United States in consequence of the agitation of the slavery question, which had sprung up from the acquisition of Mexican territory. In 1850 he brought forward in the Senate a series of resolutions looking to the settlement of the pending difficulties, and which were afterwards known as the "Compromise Measures." In 1850-1 he visited New Orleans and Havana for the benefit of his health. In 1852 he tendered his resignation as senator, to take effect on the 16th September, 1852, but before the expiration of that period—namely, on the 29th June—he died. In announcing this event to the Senate, the Hon. Joseph R. Underwood pronounced the following eulogium:—

"Mr. President, I rise to announce the death of my colleague, Mr. Clay. He died at his lodgings, in the National Hotel of this city, yesterday morning (June 29th, 1852), in the 76th year of his age. He expired with perfect composure, and without a groan or struggle.

"By his death our country has lost one of its most eminent citizens and statesmen; and, I think, its greatest genius. I shall not detain the Senate by narrating the transactions of his long and useful life. His distinguished services as a statesman are inseparably connected with the history of his country. As representative and Speaker in the other House of Congress, as senator in this body, as Secretary of State, and as envoy abroad, he has, in all these positions, exhibited a wisdom and patriotism which have made a deep and lasting impression upon the grateful hearts of his countrymen. His thoughts and his actions have already been published to the world in written biography; in congressional debates and reports; in the journals of the two Houses; and in the pages of American history. They have been commemorated by monuments erected by the wayside. They have been engraven on medals of gold. Their memory will serve the monuments of marble and the medals of gold—for these are effaced and decayed by the friction of ages—but the thoughts and actions of my late colleague have become identified with the immortality of the human mind, and will pass down from generation to generation as a portion of our national inheritance, incapable of annihilation so long as genius has an admirer or liberty a friend. Mr. President, the character of Henry Clay was formed and developed by the influence of our free institutions. His physical, mental, and moral faculties were the gift of God. That they were greatly superior to the faculties allotted to most men cannot be questioned. They were not cultivated, improved, and directed by a liberal or collegiate education. His respectable parents were not wealthy, and had not the means of maintaining their children at college. Moreover, his father died when he was a boy. At an early period Mr. Clay was thrown upon his own resources without patrimony. He grew up in a clerk's office, in Richmond, Virginia. He there studied law. He emigrated from his native state and settled in Lexington, Kentucky, where he commenced the practice of his profession before he was of full age.

“The road to wealth, to honour, and fame, was open before him. Under our constitutional laws, he might freely employ his great faculties, unobstructed by legal impediments, and unaided by exclusive privileges. Very soon Mr. Clay made a deep and favourable impression upon the people among whom he began his career. The excellence of his natural faculties was soon displayed. Necessity stimulated him in their cultivation. His assiduity, skill, and fidelity in professional engagements, secured public confidence. He was elected member of the Legislature of Kentucky, in which body he served several sessions prior to 1806. In that year he was elevated to a seat in the Senate of the United States.

“At the bar, and in the General Assembly of Kentucky, Mr. Clay first manifested those high qualities as a public speaker, which have secured to him so much popular applause and admiration. His physical and mental organisation eminently qualified him to become a great and impressive orator. His person was tall, slender, and commanding. His temperament ardent, fearless, and full of hope. His countenance clear, expressive, and variable—indicating the emotion which predominated at the moment with exact similitude. His voice, cultivated and modulated in harmony with the sentiment he desired to express, fell upon the ear like the melody of enrapturing music. His eye, beaming with intelligence, and flashing with coruscations of genius. His gestures and attitudes graceful and natural. These personal advantages won the prepossessions of an audience, even before his intellectual powers began to move his hearers; and when his strong common sense, his profound reasoning, his clear conceptions of his subject in all its bearings, and his striking and beautiful illustrations, united with such personal qualities, were brought to the discussion of any question, his audience was enraptured, convinced, and led by the orator as if enchanted by the lyre of Orpheus.

“No man was ever blessed by his Creator with faculties of a higher order of excellence than those given to Mr. Clay. In the quickness of his perceptions, and the rapidity with which his conclusions were formed, he had few equals, and no superior. He was eminently endowed with a nice, discriminating taste for order, symmetry, and beauty. He detected in a moment everything out of place or deficient in his room, upon his farm, in his own or in the dress of others. He was a skilful judge of the form and qualities of his domestic animals, which he delighted to raise on his farm. I could give you instances of the quickness and minuteness of his keen faculty of observation, which never overlooked anything. A want of neatness and order was offensive to him. He was particular and neat in his handwriting and his apparel. A slovenly blot or negligence of any sort met his condemnation; while he was so organised that he attended to, and arranged little things to please and gratify his natural love for neatness, order, and beauty; his great intellectual faculties grasped all the subjects of jurisprudence and politics, with a facility amounting almost to intuition. As a lawyer, he stood at the head of his profession. As a statesman, his stand at the head of the Republican Whig party for nearly half a century, establishes his title to pre-eminence among his illustrious associates. Mr. Clay, throughout his public career, was influenced by the loftiest patriotism. Confident in the truth of his convictions, and the purity of his purposes, he was ardent, sometimes impetuous, in the pursuit of objects which he believed essential to the general welfare.



Those who stood in his way, were thrown aside without fear or ceremony. He never affected a courtier's deference to men or opinions which he thought hostile to the best interests of his country: and here he may have wounded the vanity of those who thought themselves of consequence. It is certain, whatever the cause, that at one period of his life, Mr. Clay might have been referred to as proof that there is more truth than fiction in those profound lines of the poet—

' He who ascends the mountain top shall find  
Its loftiest peaks most wrapt in clouds and snow ;  
He who surpasses or subdues mankind,  
Must look down on the hate of those below.  
Though far above the sun of glory glow,  
And far beneath the earth and ocean spread,  
Round him are icy rocks, and loudly blow  
Contending tempests on his naked head,  
And thus reward the toil to which those summits led.'

Calumny and detraction emptied their vials upon him. But how glorious the change ! He outlived malice and envy. He lived long enough to prove to the world that his ambition was no more than a holy aspiration to make his country the greatest, most powerful, and best governed on the earth. If he desired its highest office it was because the greater power and influence resulting from such elevation would enable him to do more than he otherwise could for the progress and advancement, first of his own countrymen, then of his whole race. His sympathies embraced all. The African slave, the creole of Spanish America, the children of renovated classic Greece—all families of men, without respect to colour or clime, found in his expanded bosom and comprehensive intellect a friend of their elevation and amelioration. Such ambition as that is God's implantation in the human heart for raising the down-trodden nations of the earth, and fitting them for regenerated existence in politics, morals, and religion.

" Bold and determined as Mr. Clay was in all his actions, he was nevertheless conciliating. He did not obstinately adhere to things impracticable. If he could not accomplish the best, he contented himself with the highest approach to it. He has been the great compromiser of those political agitations and opposing opinions which have, in the belief of thousands at different times, endangered the perpetuity of our Federal Government and Union.

" Mr. Clay was no less remarkable for his admirable social qualities than for his intellectual abilities. As a companion, he was the delight of his friends, and no man ever had better or truer. They have loved him from the beginning, and loved him to the last. . . . .

" On Sunday, previous to his death, he said, ' There may be some question where my remains shall be buried. Some persons may designate Frankfort. I wish to repose at the cemetery in Lexington, where many of my friends and connexions are buried.'

" I now ask the Senate to have his corpse transmitted to Lexington, Kentucky, for sepulture. Let him sleep with the dead of that city, in and near which his home has been for more than half a century. For the people of Lexington, the living and the dead, he manifested, by the statement made to me, a pure and holy sympathy, and a desire to cleave unto them as strong as that which bound

Ruth to Naomi. It was his anxious wish to return to them before he died, and to realise what the daughter of Moab so strongly felt and beautifully expressed : 'Thy people shall be my people, and thy God my God. Where thou diest will I die, and there will I be buried.'

"It is fit that the tomb of Henry Clay should be in the city of Lexington. In our revolution, liberty's first libation, blood, was poured out in a town of that name in Massachusetts. On hearing it, the pioneers of Kentucky consecrated the name, and applied it to the place where Mr. Clay desired to be buried. The associations connected with the name harmonise with his character; and the monument erected to his memory, at the spot selected by him, will be visited by the votaries of genius and liberty with that reverence which is inspired at the tomb of Washington. Upon that monument let his epitaph be engraved."

Upon the conclusion of his remarks, Senator Underwood offered the following resolutions:—

"*Resolved*,—That a committee of six be appointed by the President of the Senate, to take order for superintending the funeral of Henry Clay, late a member of this body, which will take place to-morrow at 12 o'clock at noon, and that the Senate will attend the same.

"*Resolved*,—That the members of the Senate, from a sincere desire of showing every mark of respect to the memory of the deceased, will go into mourning for one month, by the usual mode of wearing crape on the left arm.

"*Resolved*,—As a further mark of respect entertained by the Senate for the memory of Henry Clay, and his long and distinguished services to his country, that his remains, in pursuance of the known wishes of his family, be removed to the place of sepulture selected by himself, at Lexington, in Kentucky, in charge of the Serjeant-at-Arms, and attended by a committee of six senators, to be appointed by the President of the Senate, who shall have full power to carry this resolution into effect."

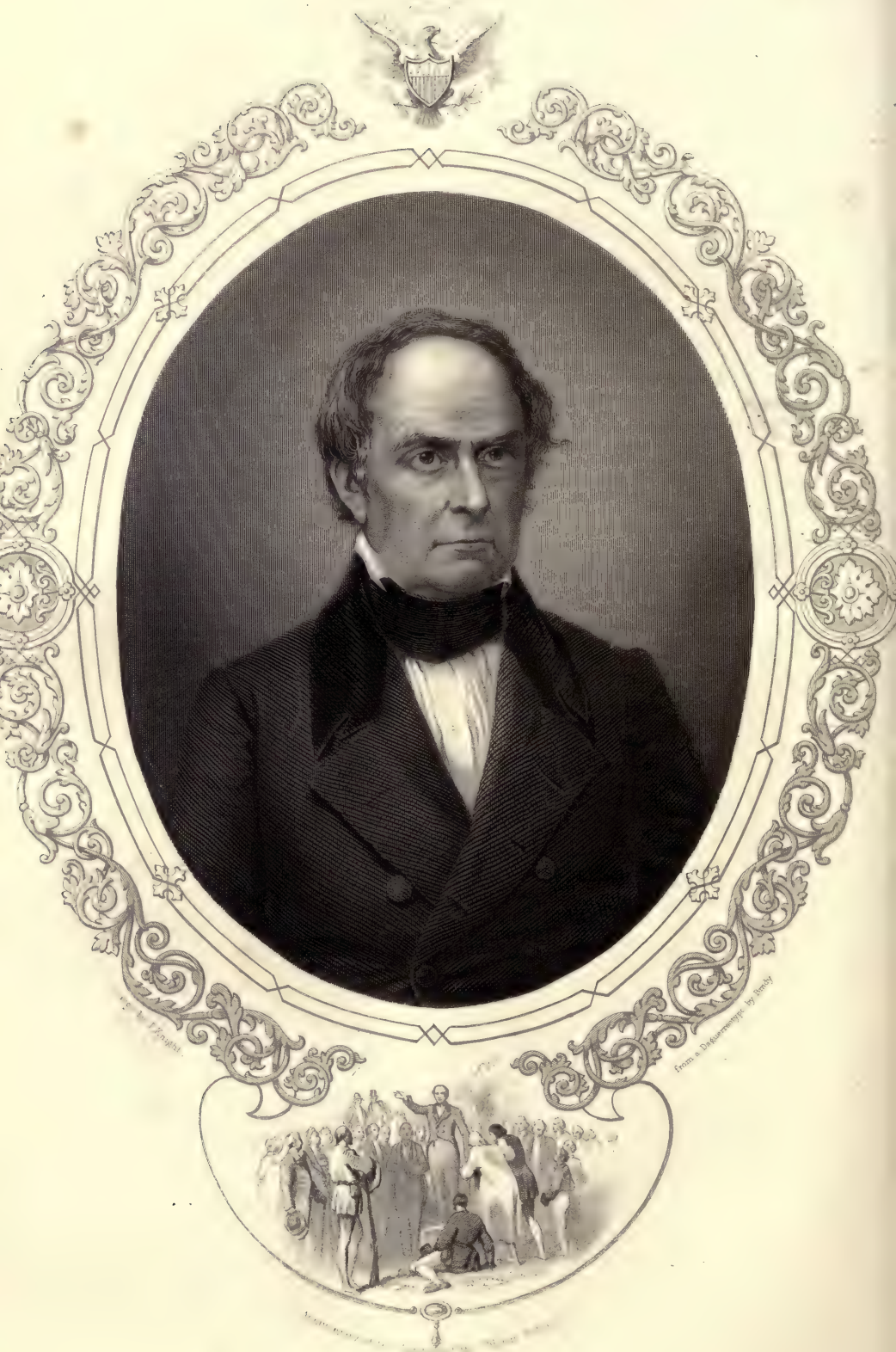
These resolutions were unanimously adopted, and eulogistic remarks on the character and public services of the deceased were made by Senators Cass, of Michigan, Hunter, of Virginia, Hale, of New Hampshire, Seward, of New York, Jones, of Iowa, Clemens, of Alabama, and Cooper, of Pennsylvania.

In the House of Representatives, resolutions similar to those adopted in the Senate were introduced by the Hon. John C. Breckenridge, of Kentucky, preceded by an eulogy on the life, character, and public services of the deceased statesman. Eulogies were also pronounced on the occasion by Representatives Ewing, of Kentucky, Caskie, Bayly, and Faulkner, of Virginia, Chandler, of Pennsylvania, Venable, of North Carolina, Haven and Brooks, of New York, Parker, of Indiana, Gentry, of Tennessee, Bowie and Walsh, of Maryland.

Daniel Webster was born in Salisbury, New Hampshire, on the 18th January, 1782. He received an ordinary school education, but early impressed upon his instructors and friends the conviction of his rare mental qualities. In his fourteenth year he was sent to Phillips's academy, at Exeter, New Hampshire. At this early period it was a curious circumstance, that the future orator displayed a marked aversion to declamation. After a few months' stay in Exeter, he was placed with the Rev. Samuel Wood, for tuition and preparation for college. He entered Dartmouth College in August, 1797, and spent four years there. In 1801







*Daniel Webster*



he commenced his legal education in his native town, and completed his preparatory training for the bar in March, 1805, at Boston, where he was admitted to practise in the Suffolk Court of Common Pleas. He began the practice of his profession in the village of Boscowen, whence he removed to Portsmouth, New Hampshire, in September, 1807, and resided there for nine years. He was elected to Congress from New Hampshire, and commenced his political life at the extra session, in May, 1813, and immediately assumed a front rank amongst the debaters in that body. He removed to Boston in 1816. The trial of the famous Dartmouth College case, in March, 1818, involving constitutional questions, brought him into notice. He retired from Congress in 1817, but was re-elected from Boston in 1822. In 1823 he made his great speech in Congress in behalf of the Greeks, and in 1826 on the Panama mission. In January, 1828, he was elected to the Senate of the United States, and made his famous reply to Hayne, of South Carolina, in 1830. In 1832 he supported the Bill for the re-charter of the Bank of the United States. In 1833 he sustained General Jackson in his opposition to Nullification, and made a reply to Calhoun's speech on that subject. In 1839 he visited England, Scotland, and France. In 1841 was appointed Secretary of State under General Harrison. In 1842 negotiated with Lord Ashburton the North-Eastern Boundary Treaty, which was ratified in August of the same year. In May, 1843, he resigned his situation as Secretary of State, and retired to private life. In 1845 he was re-elected to the Senate of the United States, and in 1846 he opposed the war with Mexico. In 1850 he supported Mr. Clay's Compromise Measures; and on the death of President Taylor, he was called by President Fillmore to the post of Secretary of State, which he held until his death, which occurred on the 24th October, 1852.

On the assembling of Congress, in December of that year, the Hon. John Davis, of Massachusetts, Mr. Webster's former colleague in the Senate, announced this melancholy event in the following terms:—

“Mr. President, I rise to bring to the notice of the Senate an event which has touched the sensibilities and awakened sympathies in all parts of the country—an event which has appropriately found a place in the message of the President, and ought not to be passed in silence by the Senate. Sir, we have, within a short space, mourned the death of a succession of men illustrious by their services, their talents, and worth. Not only have seats in this chamber, in the other House, and upon the bench of the Court been vacated, but death has entered the executive mansion, and claimed that beloved patriot who filled the chair of state.

“The portals of the tomb had scarcely closed upon the remains of a great and gifted member of this House, before they are again opened to receive another marked man of our day—one who stood out with a singular pre-eminence before his countrymen, challenging, by his extraordinary intellectual power, the admiration of his fellow-men.

“Daniel Webster (a name familiar in the remotest cabin upon the frontier), after mixing actively with the councils of his country for forty years, and having reached the limits of life assigned to mortals, has descended to the mansions of the dead, and the damp earth now rests upon his manly form. That magic voice, which was wont to fill this place with admiring listeners, is hushed in eternal silence. The multitude will no longer bend in breathless attention

from the galleries to catch his words, and to watch the speaking eloquence of his countenance, animated by the fervour of his mind; nor will the Senate again be instructed by the outpourings of his profound intellect, matured by long experience, and enriched by copious streams from the fountains of knowledge. The thread of life is cut, the immortal is separated from the mortal, and the products of a great and cultivated mind are all that remain to us of the jurist and legislator.

"Few men have attracted so large a share of public attention, or maintained for so long a period an equal degree of mental distinction. In this and the other House there were rivals for fame, and he grappled in debate with the master minds of the day, and achieved in such manly conflict the imperishable renown connected with his name.

"Upon most of the questions which have been agitated in Congress during his period of service, his voice was heard. Few orators have equalled him in a masterly power of condensation, or in that clear logical arrangement of proofs and arguments which secures the attention of the hearer, and holds it with unabated interest. These speeches have been preserved, and many of them will be read as forensic models, and will command admiration for the great display of intellectual power and extensive research. This is not a suitable occasion to discuss the merits of political productions, or to compare them with the effusions of great contemporaneous minds, or to speak of the principles advocated. All this belongs to the future, and history will assign each great name the measure of its enduring fame.

"Mr. Webster was conspicuous not only among the most illustrious men in the halls of legislation, but his fame shone with undiminished lustre in the judicial tribunals as an advocate, where he participated in many of the most important discussions. On the bench were Marshall, Story, and their brethren—men of patient research and comprehensive intellect, who have left behind them, in our judicial annals, proofs of greatness which will secure profound veneration and respect for their names. At the bar stood Pinkney, Wirt, Emmett, and many others who adorned and gave exalted character to the profession. Amid these luminaries of the bar, he discussed many of the great questions raised in giving construction to organic law; and no one shone with more intense brightness, or brought into the conflict of mind more learning, higher proofs of severe mental discipline, or more copious illustration.

"Among such men, and in such honourable combat, the foundations of that critical knowledge of constitutional law, which afterwards became a prominent feature of his character, and entered largely into his opinions as a legislator, were laid. The arguments made at this forum display a careful research into the history of the formation of the Federal Union, and an acute analysis of the fundamental provisions of the constitution.

"Probably no man has penetrated deeper into the principles, or taken a more comprehensive and complete view of the Union of the States, than that great man, Chief-Justice Marshall. No question was so subtle as to elude his grasp, or so complex as to defy his penetration. Even the great and the learned esteemed it no condescension to listen to the teachings of his voice, and no one profited more by his wisdom, or more venerated his character, than Mr. Webster.



To stand among such men with marked distinction, as did Mr. Webster, is an association which might satisfy any ambition, whatever might be its aspirations. But there, among those illustrious men, who have finished their labours and gone to their final homes, he made his mark strong and deep, which will be seen and traced by posterity.

“But I need not dwell on that which is familiar to all readers who feel an interest in such topics; nor need I notice the details of his private life, since hundreds of pens have been employed in revealing all the facts, and in describing in the most vivid manner all the scenes which have been deemed attractive. Nor need I reiterate the fervent language of eulogy which has been poured out in all quarters, from the press, the pulpit, the bar, legislative bodies, and public assemblies, since his own productions constitute his best eulogy.

“I could not, if I were to attempt it, add anything to the strength or beauty of the manifold evidences which have been exhibited of the length, the breadth, and height of his fame; nor is there any occasion for such proofs in the Senate, the place where his face was familiar, where many of his greatest efforts were made, and where his intellectual powers were appreciated. Here he was seen and heard, and nowhere else will his claim to great distinction be more cheerfully admitted. But the places which have known him will know him no more! His form will never rise here again; his voice will not be heard, nor his expressive countenance seen. He is dead! In his last moments he was surrounded by his family and friends at his own home, and while consoled by their presence, his spirit took its flight to other regions. All that remained has been committed to its kindred earth.

“Divine Providence gives us illustrious men, but they, like others, when their mission is ended, yield to the inexorable law of our being. He who gives, also takes away, but never forsakes His faithful children. The places of those possessing uncommon gifts are vacated; the sod rests upon the once manly form, now as cold and lifeless as itself, and the living are filled with gloom and desolation. But the world rolls on; nature loses none of its charms; the sun rises with undiminished splendour; the grass loses none of its freshness, nor do the flowers cease to fill the air with fragrance. Nature, untouched by human woe, proclaims the immutable law of Providence, that decay follows growth, and He that takes away never fails to give.

“Sir, I propose the following resolutions, believing that they will meet the cordial approbation of the Senate:—

“*Resolved*,—That the Senate has received with profound sensibility the annunciation from the President of the death of the late Secretary of State, Daniel Webster, who was long a highly distinguished member of this body.

“*Resolved*,—That the Senate will manifest its respect for the memory of the deceased, and its sympathy with his bereaved family, by wearing the usual badge of mourning for thirty days.

“*Resolved*,—That these proceedings be communicated to the House of Representatives.”

These resolutions were supported by eulogistic remarks from Senators Butler, of South Carolina, Seward, of New York, and Stockton of New Jersey. Place is given to the remarks of Mr. Butler and Mr. Seward.

Senator Butler, of South Carolina, said:—"Mr. President, this is an occasion full of interesting but melancholy associations, and one that especially appeals to my feelings and sense of justice—I might almost say, historical justice—as a representative of South Carolina. Who that were present can ever forget the mournful and imposing occasion, when Daniel Webster,—whose eloquence and ability had given distinction to the greatest deliberative assembly, and the most august tribunal of justice in this great confederacy,—and when Henry Clay,—a name associated with all that is daring in action and splendid in eloquence,—rose as witnesses before the tribunal of history, and gave their testimony as to the character and services of their illustrious compeer, John Caldwell Calhoun? They embalmed in historical immortality their rival, associate, and comrade.

"I would that I could borrow from the spirit of my great countryman something of its justice and magnanimity, that I might make some requital for the distinguished tributes paid to his memory by his illustrious compeers. Such an occasion as the one I have referred to is without parallel in the history of this Senate; and I fear there is no future for such another one.

"Calhoun, Clay, and Webster, like Pitt, Fox, and Burke, have made a picture on our history that will be looked upon as its culminating splendour. They were luminaries that, in many points of view, essentially differed from each other, as one star differeth from another; but they were all stars of the first magnitude. Distance cannot destroy, nor can time diminish, the simple splendour of their light for the guidance and instruction of an admiring posterity. Rivals they were on a great and eventful theatre of political life, but death has given them a common fame. Their contest in life was for the awards of public opinion—the great lever in modern times by which nations are to be influenced :

‘With more than mortal powers endow’d,  
How high they soared above the crowd;  
Theirs was no common party race,  
Jostling by dark intrigue for place:  
Like fabled gods, their mighty war  
Shook realms and nations in its jar!’

"Before I became a member of the Senate, of which I found Mr. Webster a distinguished ornament, I had formed a very high estimate of his abilities, and from various sources of high authority. His mind, remarkable for its large capacity, was enriched with rare endowments—with the knowledge of a statesman, the learning of a jurist, and the attainments of a scholar. In this Chamber, with unsurpassed ability, Mr. Webster has discussed the greatest subjects that have or can influence the destinies of this great confederacy. Well may I apply to him the striking remark which he bestowed on Mr. Calhoun—‘We saw before us a senator of Rome, when Rome survived.’

"I have always regarded Mr. Webster as a noble model of a parliamentary debater. His genial temper, the courtesy and dignity of his deportment, his profound knowledge of his subject, and his thorough preparation, gave him a great command, not only over his immediate audience, but gave his masterly speeches an impressive influence over public opinion.



"In the Supreme Court, Mr. Webster was engaged in the greatest cases that were ever decided by that tribunal; and it is not saying too much to assert, that his arguments formed the bases of some of the ablest judgments of that court. His exuberant but rectified imagination and brilliant literary attainments imparted to his eloquence, beauty, simplicity, and majesty, and the finish of taste and elaboration. He seemed to prefer the more deliberate style of speaking; but when roused and assailed, he became a formidable adversary in the war of debate, discharging from his full quiver the arrows of sarcasm and invective with telling effect.

"Mr. Webster was born in a forest, and in his childhood and youth lived amid the scenes of rural life; and it was no doubt under their inspiring influence that he imbibed that love of nature which has given such a charm and touching pathos to some of his meditated productions. It always struck me that he had something of Burns's nature, but controlled by the discipline of a higher degree of education. Lifted above the ordinary level of mankind by his genius and various intelligence, Mr. Webster looked upon a more extensive horizon than could be seen by those below him. He had too much information from his various intercourse with great men, and his acquaintance with the opinions of all ages through the medium of books, to allow the spirit of bigotry to have place in his mind. I have many reasons to conclude that he was not only tolerant of the opinions of others, but was even generous in his judgments towards them. I will conclude by saying, that New England especially, and the confederacy at large, have cause to be proud of the fame of such a man."

Senator Seward said:—"Mr. President, when in passing through Savoy I reached the eminence where the traveller is promised his first distinct view of Mont Blanc, I asked, 'Where is the mountain?' 'There,' said the guide, pointing to the rainy sky which stretched out before me. It is even so when we approach and attempt to scan accurately a great character: clouds gather upon it, and seem to take it out of our sight.

"Daniel Webster was a man of warm and earnest affections in all the domestic and social relations. Purely incidental and natural allusions in his conversations, letters, and speeches, have made us familiar with the very pathways about his early mountain home; with his mother, graceful, intellectual, fond, and pious; with his father, assiduous, patriotic, and religious, changing his pursuits, as duty in revolutionary times commanded, from the farm to the camp, and from the camp to the provincial legislature and the constituent assembly. It seems as if we could recognise the very form and features of the most constant and generous of brothers. Nor are we strangers at Marshfield. We are guests hospitably admitted, and then left to wander at our ease under the evergreens on the lawn, over the grassy fields, through the dark, native forest, and along the sea-shore. We know, almost as well as we know our own, the children reared there, and fondly loved, and therefore, perhaps, early lost; the servants bought from bondage, and held by the stronger chains of gratitude; the careful steward, always active, yet never hurried; the reverent neighbour, always welcome, yet never obtrusive; and the ancient fisherman, whose little fleet is ever ready for the sports of the sea; and we meet on every side the watchful and devoted friends whom no frequency of disappointment can discourage, and whom

even the death of their great patron cannot all at once disengage from efforts which know no balancing of probabilities nor reckoning of cost to secure his elevation to the first honours of the Republic.

"Who, that was even confessedly provincial, was ever so identified with any thing local as Daniel Webster was with the spindles of Lowell, and the quarries of Quincy; with Faneuil Hall, Bunker Hill, Forefather's Day, Plymouth Rock and whatever else belonged to Massachusetts? And yet, who, that was most truly national, has ever so sublimely celebrated, or so touchingly commended to our reverent affection, our broad and ever-broadening continental home—its endless rivers, majestic mountains, and capacious lakes; its inimitable and indescribable constitution; its cherished and growing capital; its aptly-conceived and expressive flag, and its triumphs by land and sea; and its immortal founders, heroes, and martyrs! How manifest it was, too, that, like those who are impatient of slow but sure progress, he loved his country, not for something greater or higher than he desired or hoped she might be, but just for what she was, and as she was already, regardless of future change.

"No, sir; believe me they err widely who say that Daniel Webster was cold and passionless. It is true that he had little enthusiasm; but he was nevertheless earnest and sincere, as well as calm; and, therefore, he was both discriminating and comprehensive in his affections. We recognise his likeness in the portrait drawn by a Roman pencil—

'Who with nice discernment knows  
What to his country and his friends he owes;  
How various nature warms the human breast,  
To love the parent, brother, friend, or guest;  
What the great offices of judges are,  
Of senators, or generals sent to war.'

"Daniel Webster was cheerful, and, on becoming occasions, joyous, and even mirthful; but he was habitually engaged in profound studies on great affairs. He was, moreover, constitutionally fearful of the dangers of popular passion and prejudice; and so, in public walk, conversation, and debate, he was grave and serious, even to solemnity; yet he never desponded in the darkest hours of personal or political trial; and melancholy never, in health, nor even in sickness, spread a pall over his spirits.

"It must have been very early that he acquired that just estimate of his own powers which was the basis of a self-reliance which all the world saw and approved, and which, while it betrayed no feature of vanity, none but a superficial observer could have mistaken for pride or arrogance.

"Daniel Webster was no sophist. With a talent for didactic instruction which might have excused dogmatism, he never lectured on the questions of morals that are agitated in the schools; but he seemed, nevertheless, to have acquired a philosophy of his own, and to have made it the rule and guide of his life. That philosophy consisted in improving his power and his tastes, so that he might appreciate whatever was good and beautiful in nature and art, and attain to whatever was excellent in conduct. He had accurate perceptions of the qualities and relations of things. He overvalued nothing that was common,



and undervalued nothing that was useful, or even ornamental. His lands, his cattle, and equipage, his dwelling, library, and apparel, his letters, arguments, and orations—everything that he had, everything that he made, and everything that he did—was, as far as possible, fit, complete, perfect. He thought decorous forms necessary for preserving whatever was substantial or valuable in politics and morals, and even in religion. In his regard, order was the first law, and peace the chief blessing, of earth, as they are of heaven. Therefore, while he desired justice and loved liberty, he revered law as the first divinity of states and of society.

“Daniel Webster was, indeed, ambitious, but his ambition was generally subordinate to conventional forms, and always to the constitution. He aspired to place and preferment, but not for the mere exercise of political power, and still less for pleasurable indulgences; and only for occasions to save or serve his country, and for the fame which such noble actions might bring. Who will censure such ambition? Who had greater genius, subjected to severer discipline? What other motives than those of ambition could have brought that genius into activity under that discipline, and sustained that activity so equally under ever-changing circumstances so long? His ambition never fell off into presumption. He was, on the contrary, content with performing all practical duties, even in common affairs, in the best possible manner; and he never chafed under petty restraints from those above, nor malicious annoyances from those around him. If ever any man had intellectual superiority which could have excused a want of deference to human authority, or scepticism concerning that which was divine, he was such an one. Yet he was, nevertheless, unassuming and courteous, here and elsewhere, in the public councils; and there was, I think, never a time in his life when he was not an unquestioning believer in that religion which offers to the meek the inheritance of the heavenly kingdom.

“Daniel Webster’s mind was not subtle, but it was clear. It was surpassingly logical in the exercise of induction, and equally vigorous and majestic in all its movements; and yet he possessed an imagination so strong, that if it had been combined with even a moderate enthusiasm of temper, would have overturned the excellent balance of his powers. The civilian rises in this, as in other republics, by the practice of eloquence; and so Daniel Webster became an orator—the first of orators. Whatever else concerning him has been controverted by anybody, the fifty thousand lawyers of the United States interested to deny his pretensions, conceded to him an unapproachable supremacy at the bar. How did he win that high place? Where others studied laboriously, he meditated intensely. Where others appealed to the prejudices and passions of courts and juries, he addressed only their understandings. Where others lost themselves among the streams, he ascended to the fountain. While they sought the rules of law among conflicting precedents, he found them in the eternal principles of reason and justice.

“But it is conceding too much to the legal profession to call Daniel Webster a lawyer. Lawyers speak for clients and their interests; he seemed always to be speaking for his country and for truth. So he rose imperceptibly above his profession; and while yet in the forum, he stood before the world a Publicist.

In this felicity he resembled, while he surpassed, Erskine, who taught the courts at Westminster the law of moral responsibility; and he approached Hamilton, who educated the courts at Washington in the constitution of their country, and the philosophy of government.

"An undistinguishable line divides the high province of the forum from the Senate, to which his philosophy and eloquence were perfectly adapted. Here, in times of stormy agitation and bewildering excitement, when as yet the union of these States seemed not to have been cemented and consolidated, and its dissolution seemed to hang, if not on the immediate result of the debate, at least upon the popular passion that that result must generate, Daniel Webster put forth his mightiest efforts, confessedly the greatest ever put forth here, or on this continent. Those efforts produced marked effect on the Senate; they soothed the public mind, and became enduring lessons of instruction to our countrymen on the science of constitutional law; and the relative powers and responsibilities of the government, and the rights and duties of the states and of citizens.

"Tried by ancient definitions, Daniel Webster was not an orator. He studied no art, and practised no action; nor did he form himself by any admitted model. He had neither the directness and vehemence of Demosthenes, nor the fulness and flow of Cicero, nor the intenseness of Milton, nor the magnificence of Burke. It was happy for him that he had not. The temper and tastes of his age and country required eloquence different from all these, and they found it in the pure logic, and the vigorous, yet massive rhetoric, which constituted the style of Daniel Webster.

"Daniel Webster, although a statesman, did not aim to be either a popular or a parliamentary leader. He left common affairs and questions to others, and reserved himself for those great and unfrequent occasions which seemed to involve the prosperity or the continuance of the republic. On these occasions he rose above partisan influences and alliances, and gave his counsels earnestly, and with impassioned solemnity, and always with an unaffected reliance upon the intelligence and virtue of his countrymen.

"The first revolutionary assembly that convened in Boston promulgated the principles of the Revolution of 1688—'Resistance to unjust laws is obedience to God'—and it became the watchword throughout the colonies. Under that motto the colonies dismembered the British Empire, and erected the American Republic. At an early day, it seemed to Daniel Webster that the habitual cherishing of that principle, after its great work had been consummated, threatened to subvert in its turn the free and beneficent constitution which afforded the highest attainable security against the passage of unjust laws. He addressed himself, therefore, assiduously and almost alone, to what seemed to him the duty of calling the American people back from revolutionary theories to the formation of habits of peace, order, and submission to authority. He inculcated the duty of submission by states and citizens to all laws passed within the province of constitutional authority, and of absolute reliance on constitutional remedies for the correction of all errors and the redress of all injustice. This was the political gospel of Daniel Webster. He preached it in season and out of season, boldly, constantly, with the zeal of an apostle, and with the devotion, if there were need,



of a martyr. It was full of saving influences while he lived, and those influences will last so long as the constitution and the Union shall endure.

"I do not dwell on Daniel Webster's exercise of administrative functions. It was marked by the same ability that distinguished all his achievements in other fields of duty. It was at the same time eminently conservative of peace, and of the great principles of constitutional liberty on which the republican institutions of this country were founded. But, while those administrative services benefited his country and increased his fame, we all felt, nevertheless, that his proper and highest place was here, where there was field and scope for his philosophy and his eloquence—here, among the equal representatives of equal states, which were at once to be held together, and to be moved on in the establishment of a continental power controlling all the American states and balancing those of the eastern world; and we could not but exclaim, in the words of the Roman orator, when we saw him leave the legislative councils to enter on the office of administration—'Quantis in augustiis, vestra gloria se dilatari velit.'"

In the House of Representatives, the Hon. G. T. Davis, of Massachusetts, offered resolutions, prefaced by appropriate remarks, concurring with the Senate in their resolutions, and adopting them for that body, which were supported by Messrs. Appleton, of Maine, Presten, of Kentucky, Seymour, of New York, Chandler, of Pennsylvania, and Bayly, of Virginia.

A new political organisation which sprang up about this period claims some attention. The cognomen assumed for it was that of *Know-Nothings*; and the causes which originated this political element may readily be traced. Congress is empowered by the constitution to pass uniform laws of naturalisation; yet it has been legally decided that no law so passed can oblige a state to admit to, or exclude from, the political franchises in accordance with its provisions. That is to say, Congress may extend the term of probation for immigrants seeking to become citizens to twenty or forty years, and yet any state may admit those same probationers to vote, to hold office, and even be elected to the Lower House of Congress itself, before they shall have resided in the States even one year. The exclusive power of naturalisation vested in Congress is thus practically of small account, the states being enabled to overrule or evade it as they may see fit. And, in fact, Michigan, Illinois, Indiana, and perhaps other free states, have extended the right of suffrage to immigrants who had not been naturalised, nor lived long enough in the Union to be entitled to naturalisation.

The first Act of Congress establishing the conditions of naturalisation was quite liberal. The great convulsion in Europe generated by the French Revolution of 1789-93, however, threw upon the American shores a large body of exiles and refugees from the British Isles, from France, &c., of whom the younger and more energetic portion were eager to involve the United States in a war with Great Britain and other aristocratic powers, in favour of democracy and revolutionary France. Their efforts were sternly resisted by the Federal administrations of Washington and John Adams, and the refugees very naturally became the active and implacable adversaries of the Federal party. Hence, in 1798, Congress, under the Presidency of John Adams, passed an Act requiring *fourteen* years' residence in the country prior to naturalisation—an Act which did not prevent but probably aided the overthrow of Adams and the election of Jefferson

in the heated and memorable Presidential contest of 1800. The Jeffersonian triumph ensured a return to liberality in naturalisation; and the Act was passed which still endures, reducing the term of probation to *five* years, and requiring a declaration of intention to become a citizen at least *two* years before that intention can be consummated.

The naturalised citizens, improperly termed "Foreigners," continued, very naturally, to vote almost unanimously for the party which had thus lowered the barrier between their former estate and citizenship; and, as they were in the average notoriously less intelligent and more inclined to belligerent demonstrations at the polls than the native-born electors, they were often viewed with unfriendly regard by those whom, by throwing their whole weight into one of the scales nearly balanced without them, they pretty generally overbalanced at the polls. Accordingly, we find the easy naturalisation and great power of "Foreigners" enumerated among the chronic grievances complained of by the ultra-Federalists in the famous Hartford Convention of 1814-15. And when Albert Gallatin was nominated for Vice-President in 1824, as the Republican or Congressional caucus candidate, it was objected to him that he, being of foreign (Swiss) birth, and therefore constitutionally ineligible to the Presidency, ought not to be chosen to the second office, which might involve him at any moment in the discharge of the high responsibilities of the first. This opinion, although very generally entertained, is erroneous. The last clause of Article 12 of the Amendments to the Constitution of the United States, says:—"But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States." Still no change in the law of naturalisation was made, or seriously urged in Congress. In 1835-7, a "Native American" organisation—neither formidable, nor decided and definite in its purposes—was maintained in New York, but it dealt mainly with municipal affairs, and did not make head in the state election of 1837. Nothing more was heard of it until 1843, when the Democrats, having regained control of the city at the spring election, in good part through the efforts of the adopted citizens (and, as was stoutly alleged, by the aid of illegal voting to an enormous extent), proceeded to parcel out the newly-won offices, and gave so considerable a share of them to their partisans born in Europe, as to excite very general dissatisfaction and disgust among their native-born compatriots. Hereupon "Nativism" sprang into new life, this time having its origin in the Democratic camp, but soon drawing in thousands from the opposite party. It polled 9,000 votes at the state election of that year, and next spring carried the city, most of the Whigs falling into its support as the only way of beating their old antagonists. James Harper (Native) was chosen Mayor, having some 25,000 votes to 20,000 for Coddington (Democrat) and 5,000 for Graham (Whig), and a strong Native ascendancy in every branch of the city government was secured. Thence the flame spread to Philadelphia, where it was swelled by repeated riots and fights between the Natives and the Irish, in the course of which several lives were destroyed and much property, including one or two Catholic churches. The cities of Philadelphia and New York were both carried in the autumn by the Natives, with such help as the Whigs chose to give them, in the expectation of securing in return the entire Native vote for Clay and Frelinghuysen, and thus



electing those candidates. This expectation was disappointed; New York city gave 2,800 majority against Clay at the same time that it chose Native members of Congress and Assembly, and both this state and Pennsylvania voted for Polk, and elected him. Next spring "Nativism" was beaten in New York, and prostrate or extinct everywhere. But its spirit was not wholly dead. It gave rise to a secret society known as "The Order of United Americans," which, though ostensibly taking no part in politics, has occasionally given a lift to a brother who was a candidate for office, especially if a "Foreigner" or champion of Foreigners were running against him. Very little attention, however, was excited by its doings.

In 1852 a new secret order was devised and started, having the same general object, but more subtle in its principles and operations. Its animating spirit was hostility to the exercise of political power in America by "Foreigners"—that is, men born in other lands—but more especially to Roman Catholics. Its members were popularly termed "Know-Nothings," because they were required, when interrogated with respect to this order, to declare that they "know nothing" about it, and to answer all manner of interrogatories in that spirit. The very name of the order was not revealed to them until they were admitted to its higher degrees, so that they could conscientiously swear that they knew no such society and did not belong to it. (It was understood to be "The Sons of '76, or Order of the Star-Spangled Banner.") No badges were worn by the members at any time, no banners displayed; their meetings were held as privately as possible, and called by a signal understood only by the initiated. Each lodge was represented by delegates to a "council," which nominated candidates whom the members were sworn to support, and punished by expulsion when they failed to do so. And so long as the councils adhered to their original plan of selecting the best men previously in nomination from the tickets of the several parties, and voting for them without giving public notice of their choice until the ballots were counted out of the box, they were well-nigh invincible. For instance: suppose the Know-Nothings of a city to have numbered 5,000 only, composed of 3,000 Whigs and 2,000 Democrats; the concentration of their entire vote on a ticket made up by selection from the regular Whig and Democratic tickets, would almost inevitably have resulted in their complete triumph. Thus were won their earlier victories. Subsequently, however, they saw fit in many cases to nominate tickets of their own, containing few or no names borne on other tickets. Thus they succeeded in Delaware and Massachusetts (two of the states which went strongest for John Adams against Jefferson), while they failed in New York, where their state ticket ran below either its "Whig" or its "Soft" antagonist. In the local or municipal elections, however, this secret organisation often exhibited great strength, especially where the Whig party declined to oppose it.

## BOOK VII.

### THE ADMINISTRATION OF FRANKLIN PIERCE.

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#### CHAPTER I.

ELECTION OF FRANKLIN PIERCE TO THE PRESIDENCY.—BIOGRAPHY OF PIERCE.—HIS INAUGURATION AND ADDRESS.—THE MONROE DOCTRINE.—THE PRESIDENT'S CABINET.—DEBATE ON THE CLAYTON-BULWER TREATY.

THE election of Mr. Franklin Pierce to the Presidency was preceded by the declarations of several national conventions, embodying the principles upon which they made their appeal to the people for the support of their several candidates—otherwise known as the “platforms” of their parties. It may be observed, however, that these platforms are by no means the ruling principles upon which the several parties act when they have attained power; but in the expressive language of Mr. J. B. Thompson, Senator from Kentucky, they are governed by the rule of the railroad cars: “All persons are requested to step off the platform when the cars are in motion.”

The platform adopted by the Democratic party on this occasion was—First, that the Federal government is one of limited powers, derived solely from the constitution; that it is inexpedient and dangerous to exercise doubtful constitutional powers. Second, that the constitution does not confer on the general government authority to commence or carry out a general system of internal improvements. Third, that the constitution does not confer power on the general government to assume state debts contracted for local internal improvements, or other state purposes. Fourth, that protection to one branch of industry at the expense of another is forbidden by the constitution, but that ample protection should be given to persons and property from domestic violence or foreign aggression. Fifth, opposition to the distribution of the proceeds of the public lands, and against the restriction of the veto power of the President. Sixth, against a national bank, but in favour of the Independent Treasury system. Seventh, in favour of the Compromise Measures of 1850, and against all attempts at renewing in Congress, or out of it, the agitation of the slavery question.

The Free-soil Democracy adopted, as its platform, opposition to both the Whig and Democratic wing of the great slave-compromise party of the nation; renouncing both as hopelessly corrupt and utterly unworthy of confidence. It resolved that the public lands of the United States belong to the people, and should not be sold to individuals, nor granted to corporations, but should be held as a sacred trust for the benefit of the people, and should be granted, in limited







*Frank Pierce*



quantities, free of cost, to landless settlers. They inscribed on their banner, "Free Soil, Free Speech, Free Labour, and Free Men;" and nominated John P. Hale, of New Hampshire, for President, and George W. Julian, of Indiana, for Vice-President.

The Whig party opposed the Democratic party, (1) on the doctrine of internal improvements, and (2) on that of the tariff; contending that sound policy required a just discrimination whereby suitable encouragement should be given to American industry, and recommending specific duties on imports. On the Compromise measures of 1850, they regarded them, as did the Democratic party, as a finality. They nominated General Winfield Scott for President, and William A. Graham, of North Carolina, as Vice-President.

General Scott accepted the nomination with the resolutions, and stated that, if elected President, he would recommend a single alteration in the naturalisation laws, suggested by his military experience, viz., giving to all foreigners the right of citizenship, who should faithfully serve, in time of war, one year on board of public ships, or in the United States land forces, regular or volunteer, on their receiving an honourable discharge from the service.

Franklin Pierce was born at Hillsborough, in the state of New Hampshire, on the 23rd of November, 1804. He was early sent to school; first to the academy at Hancock, and afterwards to that of Francestown. At the latter place he was received into the family of Peter Woodbury—the father of the Hon. Levi Woodbury, a distinguished statesman and jurist of that state. In 1820, at the age of sixteen, he became a student of Bowdoin College, at Brunswick, Maine, where he remained for four years. After leaving college he returned to his native place, Hillsborough, where he remained but a short time. Having chosen the law as a profession, he became a student in the office of Judge Woodbury, of Portsmouth. The last two years of his preparatory studies were spent at the Law School of Northampton, in Massachusetts, and in the office of Judge Parker, at Amherst.

In 1827, being admitted to the bar, he began the practice of his profession at Hillsburgh. He did not, at the outset, give promise of distinguished success. His first cause was a failure, and a somewhat marked one. It, however, had the effect to inculcate upon him the necessity of the sedulous cultivation, the earnest effort, the toil, the agony which are the conditions of ultimate success. It was some years after this before he acquired what may be designated positive eminence. His father having been elected Governor of New Hampshire the same year he commenced the practice of the law, he was enticed into political life—so especially fascinating to a young lawyer, but so irregular in its tendencies and so inimical to steady professional labour. In 1829 he was elected as a representative from the town of Hillsborough to the Legislature of New Hampshire. His whole service in that body comprised four years; in the two latter of which he was elected Speaker by a vote of 155 against 58 for all other candidates.

In 1833 he was elected a member of Congress. His congressional life, though it made comparatively so little show, was full of labour directed to substantial objects. He was a member of the Judiciary, and other important committees; and the drudgery of the committee-room, where so much of the

real business of the country is transacted, fell in large measure to his lot. When he spoke upon any subject with which his duty as chairman or member of a committee had brought him in relation, his words had the weight of deeds, from the meaning, the directness, and the truth that he conveyed into them. While a member of the House of Representatives, he delivered a forcible speech against the Bill authorising appropriations for the Military Academy at West Point. Subsequently, however, after his experience on the battle-fields of Mexico, he acknowledged himself in the wrong, and bore testimony to the brilliant services which the graduates of that academy, trained to soldiership from boyhood, had rendered to their country. He also supported, by his voice and by his votes, the rights pledged to the South by the constitution of the United States; nor did he ever shun the obloquy that sometimes threatened to pursue the Northern man who dared to love that great and sacred reality, his whole, united, native country, better than the mistiness of a philanthropic theory. He continued in the House of Representatives four years. If at this period of his life he rendered unobtrusive, though not unimportant, services to the public, it must also have been a time of vast intellectual advantage to himself. Amidst great national affairs, he was acquiring the best of all educations for future eminence and leadership. In 1837 he was elected to the Senate of the United States, and took his seat at the commencement of the presidency of Mr. Van Buren. In that body he pursued the same course as while a representative, and with more than equal results. In June, 1842, he retired from the Senate. In quitting political life he resumed the practice of his profession at Concord, New Hampshire, to which place he had removed from Hillsborough, in 1838. It was his good fortune to have started at once into full practice. His eminent powers placed him in the very first rank. In 1846 he was tendered by President Polk the post of Attorney-General of the United States; but, from an indisposition to enter public life again, he declined it. Previous to the offer of the Attorney-Generalship, the appointment of United States' Senator was tendered him, which he declined. From 1842 to 1847, after taking an efficient interest in the politics of the state, he uniformly declined the honours which New Hampshire was at all times ready to confer upon him. A Democratic convention nominated him for governor, but could not obtain his acquiescence.

When Mr. Pierce declined the honourable offer of the Attorney-Generalship of the United States, he intimated that there might be one contingency in which he would feel it his duty to give up the cherished purpose of spending the remainder of his life in a private station. That exceptional case was brought about in 1847 by the Mexican war. He enrolled himself as a volunteer in a company raised in Concord, and went through the regular drill as a private in the ranks. On the passage of the Bill for the increase of the army of the United States, he received the appointment of colonel of the 9th regiment, which was the quota of New England towards the ten that were to be raised. Shortly afterwards, in March 1847, he was commissioned brigadier-general in the army, his brigade consisting of regiments from the extreme north, the extreme west, and the extreme south, of the Union. He sailed from Newport, Rhode-Island, on the 27th of May, and landed at Vera Cruz in precisely a



month after his departure. On the 21st of July, in an encounter with some guerrillas, although the balls spattered like hailstones around him, General Pierce only received an escopette ball through the rim of his hat, depriving him of that appendage for a short time. He reached the main army at Puebla on the 7th of August, with 2,400 men in fine order, and without the loss of a single waggon. General Scott, who was at Puebla awaiting this reinforcement, began his march towards the city of Mexico on the day after General Pierce's arrival. The battle of Contreras, in which General Pierce was engaged, was fought on the 19th of August. Here he met with an accident; his horse having slipped among the rocks, thrust his foot into a ravine and fell, breaking his own leg, and crushing his rider heavily beneath him. The general was stunned, and almost insensible. When partially recovered, he found himself suffering from severe bruises, and especially from a sprain of the left knee. Immediately on recovering his full consciousness, in opposition to his surgeon's advice, he advanced to the front, leaning on his orderly's arm, where, finding a horse, he was assisted into the saddle, where he remained until eleven o'clock at night. Finding himself at nine o'clock the senior officer in the field (the contest having been kept up till nightfall without forcing the enemy's entrenchment), he, in that capacity, withdrew the troops from their advanced position, and concentrated them at the point where they were to pass the night. At eleven, beneath a torrent of rain, destitute of a tent or other protection, and without food or refreshment, he laid down on an ammunition waggon, but was prevented by the pain of his injuries from finding any repose.

At one o'clock orders came from General Scott to put the brigade into a new position, in front of the enemy's work, so that, with daylight, the battle could be renewed. At daylight, accordingly, the Mexican camp was assaulted. General Pierce was soon in the saddle at the head of his brigade, which retained its position in front, thus serving to attract the enemy's attention, and divert him from the true point of attack. The camp was stormed in the rear, and in seventeen minutes it had fallen into the hands of the assailants, together with a multitude of prisoners. The remnant of the enemy fled towards Churubusco, General Pierce leading his brigade in pursuit, passing through the works which had just been stormed. The pursuit was continued until one o'clock, when the Americans arrived in front of the strong Mexican positions at Churubusco and San Antonio. To intercept an anticipated move of the enemy, Pierce's brigade, with other troops, was ordered to pursue a route by which they could be attacked in the rear. Colonel Noah E. Smith, long resident in Mexico, had offered to point out the road, and was sent to summon General Pierce to the presence of the Commander-in-Chief. When he met Pierce, near Coyacan, at the head of his brigade, the heavy fire of the batteries had commenced. "He was exceedingly thin," writes Colonel Smith, "worn down by the fatigue and pain of the day and night before, and then evidently suffering severely. Still there was a glow in his eye, as the cannon boomed, that showed within him a spirit ready for the conflict." He rode up to General Scott, who was at this time sitting on horseback, beneath a tree near the church of Coyacan, issuing orders to different individuals of his staff. The Commander-in-Chief had already heard of the accident that befell Pierce the day before; and as the latter approached, General

Scott could not but notice the marks of pain and physical exhaustion, against which only the steadiest constancy of will could have enabled him to bear up.

"Pierce, my dear fellow," said he, "you are badly injured; you are not fit to be in your saddle." "Yes, general, I am," replied Pierce, "in a case like this." "You cannot touch your foot to the stirrup," said Scott. "One of them I can," answered Pierce. "You are rash, General Pierce," said he; "we shall lose you, and we cannot spare you. It is my duty to order you back to St. Augustine." "For God's sake, general," exclaimed Pierce, "don't say that! This is the last great battle, and I must lead my brigade." The Commander-in-Chief made no further remonstrance, but gave the order for Pierce to advance with his brigade. When the brigade had advanced about a mile it was impeded by a ditch ten or twelve feet wide, and six or eight feet deep. It being impossible to leap it, General Pierce was lifted from his saddle, and, hurt as he was, contrived to scramble across this obstacle, leaving his horse on the other side. The troops were now under fire. In the excitement of the battle he forgot his injuries, and hurried forward leading the brigade a distance of two or three hundred yards. There he fell from exhaustion, within full range of the enemy's fire, refusing to be carried off, and there laid under the tremendous fire of Churubusco, until the enemy, in total rout, was driven from the field.

An armistice having been proposed by Santa Anna with a view to negotiations for peace, General Pierce was named by the Commander-in-Chief as one of the commissioners. He had not taken off his spurs nor slept for two nights, but he immediately obeyed the summons, was assisted into the saddle, and rode to Tacubaya, where the American and Mexican commissioners were assembled. The conference began late in the afternoon and continued until four o'clock the next morning, when the articles were signed.

On the 8th September, at the battle of Molino del Rey, General Pierce was ordered to advance with his brigade to the support of General Worth's division. He moved forward with rapidity, and although the battle was won just as he reached the field, he interposed his brigade and drew upon himself the fire from the castle of Chepultepec, to which the enemy had retreated. Continuing a long time under fire, Pierce's brigade was engaged in removing the wounded and the captured ammunition. While thus occupied, he led a portion of his command to repel the attacks of the enemy's skirmishers. There remained but one other battle—that of Chepultepec—which was fought on the 13th of September. Although General Pierce's brigade was engaged in this battle, he himself was not there, having been taken extremely ill the day before at General Worth's quarters, and was unable to leave his bed for thirty-six hours. In the meanwhile, the castle of Chepultepec was stormed by the troops under Generals Pillow and Quitman. Pierce's brigade behaved itself gallantly, and suffered severely.

General Pierce remained in Mexico until December, 1847, when, as the war was ended, and peace on the point of being re-established, he set out on his return to the United States. As soon as the treaty of peace was concluded, he gave up his commission and returned to the practice of the law, again proposing to spend the remainder of his days in the bosom of his family.

General Pierce now employed his time in the laborious exercise of the legal



profession, varied occasionally by his appearance at political gatherings. In the autumn of 1850, General Pierce was chosen president of a convention called to revise the constitution of New Hampshire. In January, 1852, it was intimated to General Pierce that the Democracy of New Hampshire had signified its preference of him as the presidential candidate in the canvass before the Democratic National Convention, on June ensuing. This demonstration drew from him a letter addressed to his friend Mr. Atherton, a delegate to the Democratic National Convention, in which he said, "the use of my name, in any event, before the Democratic National Convention at Baltimore, would be utterly repugnant to my tastes and wishes."

The Democratic Convention met in June, 1852, and continued its sessions during four days. Thirty-five ballots were held, but the two-third's vote requisite for a nomination was not obtained by any candidate. There had not been a vote thus far cast for General Pierce, but at the thirty-sixth ballot the delegation from Virginia brought forward his name, and at the forty-ninth ballot the votes were, for Franklin Pierce 282, and eleven for all other candidates. General Pierce was, therefore, nominated as the candidate of the Democratic party, accepted the nomination, and was triumphantly elected the President of the United States for four years, from March 4th, 1853, carrying every state in the Union, except Massachusetts, Vermont, Kentucky, and Tennessee, which cast their votes for General Winfield Scott. The popular votes for the various candidates were as follows:—For Franklin Pierce, 1,601,274; for Winfield Scott, 1,386,580; for John P. Hale, 155,825. William Rufus King, of Alabama, the Democratic nominee, was elected Vice-President.

The inauguration of the newly-elected President took place in Washington, on Friday, March 4th, 1853. The proceedings were as follows:—The Senate of the United States being in Session, in pursuance of the proclamation of the President, the president of that body ordered the Serjeant-at-Arms to carry out the arrangements made by the committee for the inauguration of the President-elect of the United States, so far as the positions in the chamber were concerned. The Sergeant-at-Arms proceeded to introduce gentlemen to the floor of the Senate, in accordance with the arrangements which were prescribed by the appropriate committee. The Chief Justice and Associate Justices of the Supreme Court, in their robes, were accommodated with seats on the right and left of the platform of the officers of the Senate. The Diplomatic Corps, in their official costume, occupied the seats without the bar, on the left of the principal entrance; the cabinet of the out-going President, General Scott, and others entitled to admission, occupied the seats on the right. To ex-members of Congress and members elect was assigned the eastern lobby, and Senators retained their own seats. The circular gallery was filled exclusively by ladies, and the eastern gallery by gentlemen, intermingled with whom were several ladies. Every part of the chamber, and every avenue by which it was approached, was densely crowded.

At half-past one o'clock the President-elect entered the Senate Chamber, leaning on the arm of the Hon. Jesse D. Bright, chairman of the Committee of Arrangements. They were followed by the outgoing President, who was supported by the Hon. Thomas G. Pratt and the Hon. Hannibal Hamlin,

members of the Committee of Arrangement. Millard P. Fillmore, Esq., Private Secretary of the retiring President, succeeded, accompanied by Sidney Webster, Esq., the Private Secretary of the President-elect. They were conducted to seats in front of the President's chair.

Amongst the other gentlemen who accompanied the President-elect to the Senate Chamber were the Hon. William L. Marcy, of New York; Hon. James C. Dobbin, of North Carolina; Hon. James Guthrie, of Kentucky; Hon. Robert McClelland, of Michigan, and the Hon. James Campbell, of Pennsylvania.

The preparations being complete, those assembled in the Senate Chamber proceeded to the eastern portico of the Capitol in the following order:—The Marshal of the District of Columbia; the Supreme Court of the United States; the Sergeant-at-Arms of the Senate; the Committee of Arrangements; the President-elect and the ex-President; the President *pro tempore* and the Secretary of the Senate; the Members of the Senate; the Diplomatic Corps; Heads of Departments; Governors of States and Territories; the Mayors of Washington and Georgetown, and other persons who had been admitted into the Senate Chamber.

After the oath of office had been administered, the President delivered his inaugural address. He said:—

“My countrymen—It is a relief to feel that no heart but my own can know the personal regret and bitter sorrow over which I have been borne to a position so suitable for others rather than desirable for myself.\* The circumstances under which I have been called for a limited period to preside over the destinies of the Republic, fill me with a profound sense of responsibility, but with nothing like shrinking apprehension. I repair to the post assigned me, not as to one sought, but in obedience to the unsolicited expression of your will, answerable only for a fearless, faithful, and diligent exercise of my best powers. I ought to be, and am, truly grateful for the rare manifestation of the nation's confidence; but this, so far from lightening my obligations, only adds to their weight. You have summoned me in my weakness; you must sustain me by your strength. When looking for the fulfilment of reasonable requirements, you will not be unmindful of the great changes which have occurred, even within the last quarter of a century, and the consequent augmentation and complexity of duties imposed in the administration both of your home and foreign affairs.”

After some preliminary observations, combating the idea of an expansion of territory being a source of weakness to the nation, the President foreshadowed the policy of his administration with regard to various international questions. Respecting foreign acquisitions, and having reference to the main foreign policy of his administration—the acquisition of the island of Cuba, by purchase, from Spain—he stated, that it was not to be disguised that the attitude of the United

\* A relation of the circumstances to which allusion was made is necessary to enable the reader to understand the force and meaning of this paragraph. Since his election to the Presidency, and within a very short period of his inauguration, General Pierce had been called upon to mourn the loss of his only surviving child—a promising youth of twelve years of age. On a visit to a relative of the family preparatory to accompanying his father to Washington, he was killed by an accident on a railroad car. This melancholy event not only preyed upon the spirits of the father, but his grief was heightened by the settled melancholy which rested on the mind of the mother.



States, as a nation, and their position on the globe, rendered the acquisition of certain possessions not within their jurisdiction eminently important for their protection, if not, in the future, essential for the preservation of the rights of commerce and the peace of the world. Should they be obtained, it would be through no grasping spirit, but with a view to obvious national interest and security, and in a manner entirely consistent with the strictest observance of national faith. After avowing purposes of the most pacific nature on the part of his administration towards foreign nations, he gave assurance that no act within the scope of his constitutional control would be tolerated on the part of any portion of the citizens of the United States, which could not challenge a ready justification before the tribunal of the civilised world.

In reference to the security of the American citizen (having, no doubt, reference to the Martin Kosta affair, to be explained hereafter), the President said, that the American citizen must realise that upon every sea, and on every soil, where he may rightfully seek the protection of the American flag, American citizenship is an inviolable panoply for the security of American rights. In connection with this subject, the President re-affirmed a principle which was to be regarded as fundamental. The rights, security, and repose of the confederacy of the United States reject the idea of interference or colonisation on this side of the ocean by any foreign power beyond present jurisdiction, as utterly inadmissible.

The history of this Monroe doctrine is a very curious and instructive one. It was first asserted by Mr. Monroe, when President of the United States, in his seventh annual Message to Congress, on the 2nd December, 1823; but John Quincy Adams, who was the Secretary of State at the time, there is much reason to believe, is entitled to the paternity of it. When first presented to Congress, according to the remarks of the Hon. James K. Polk, on the Panama Mission, in 1826, "*It was designed, probably, to produce an effect upon the councils of the Holy Alliance, in relation to their supposed intention to interfere in the war between Spain and her former colonies. That effect it probably had an agency in producing; and if so, IT HAD PERFORMED ITS OFFICE.*"

On the 20th April, 1826, the House of Representatives adopted an amendment to a resolution, declaring it expedient to appropriate the funds necessary to enable the President to send ministers to Panama, which amendment was, indeed, a complete negation of the whole Monroe doctrine. This amendment was carried by a party vote, the Jackson party supporting the amendment, and all the leading men supporting Mr. Adams's administration, voting against it. The Democracy, at the very origin of their party, totally repudiated the whole declaration, and came into power on the principles of Washington's doctrine of non-intervention. It was the principal topic of discussion in Congress during the administration of Mr. Adams; and it was generally believed at the time that the re-assertion of the Monroe principle in Mr. Poinsett's (Minister to Mexico) instructions, and in the course adopted by the advocates of Mr. Adams in favour of the Panama Mission, drove Mr. Adams from power, and secured the election of General Jackson. The very Congress to whom the recommendation was made, never adopted it. Mr. Clay, who was an ardent supporter of Mr. Monroe's administration, endeavoured to pass a very diluted equivalent for it,

which, although backed by all the influence which he and Mr. Webster exerted on the occasion, never passed the House of Representatives. Mr. Webster's kindred Greek resolution was defeated by a large majority. Mr. Van Buren, Mr. Polk, and Mr. Buchanan, all ignored the Monroe doctrine before they got into power, only used it as a stepping-stone to popularity, and laid it aside after it had performed its office.

In reference to the maintenance of large standing armies, the President stated, that opportunities of observation, by his brief experience as a soldier, confirmed in his own mind the opinions entertained and acted upon by others from the foundation of the government, that that policy was not only dangerous, but unnecessary. They also illustrated the absolute necessity of the military science and practical skill furnished in an eminent degree by the United States' Military Academy.

The President then made some general observations as to his course in the administration of the domestic affairs of the confederacy; warned against the dangers of a concentration of all power in the general government; spoke of the Union as the palladium of the liberties of the States; and concluded by recognising the constitutionality of the Compromise Measures of 1850, and pledged his earnest support of them.

The President nominated to the Senate as his executive advisers—William L. Marcy, of New York, Secretary of State; James Guthrie, of Kentucky, Secretary of the Treasury; Robert M'Clelland, of Michigan, Secretary of the Interior; James C. Dobbin, of North Carolina, Secretary of the Navy; Jefferson Davis, of Mississippi, Secretary of War; James Campbell, of Pennsylvania, Post-master-General; Caleb Cushing, of Massachusetts, Attorney-General; all of whom were confirmed by that body.

The President also nominated as Ministers to the three leading Courts of Europe—James Buchanan, of Pennsylvania, Minister to England; John Y. Mason, of Virginia, Minister to France; Pierre Soulé, of Louisiana, Minister to Spain; who were likewise confirmed.

During this special session, a debate sprung up on the Clayton-Bulwer Treaty of 1850. In the course of that debate, Senator Douglas, of Illinois—an aspirant for the Presidency—indulged in remarks calculated to ingratiate himself with the people by fanning their smouldering prejudices against England. Senator Butler, of South Carolina, thus reproved him:—

“The senator has spoken on other topics with a gushing exuberance well calculated to attract applause, but I fear also well calculated to excite prejudice, and to exasperate national resentments. In speaking of the growth of his own country, he had much to justify him in his highly flattering picture of her prosperity; but when, with taunting disparagement, he spoke of the decrepitude of England, and the other nations of Europe, he spoke in a way well calculated to wound national sensibility; and especially so, when I cannot regard his opinions as just. He said decrepitude had come upon them in their decline and old age. They were the mere mouldering columns of an edifice that has been; and as such, their laws and policy could no longer shed light on the path of the young and vigorous people that, with herculean strength, could throw off the shackles of European instruction. In this judgment, tempered with so much asperity, I am



certain he will find few, that are impartial, to concur with him. England may become our rival, but, in her present strength and vigour of manhood, she cannot but command respect and consideration from all the other nations of the earth. We may claim to be her peer, but we, nevertheless, are her debtor.

“Sir, when we despise England, we must despise the very soil in which grew the tree from whose fruits we have been fed; we must despise Hampden, and Sidney, and Chatham, and Shakspeare, and Burke. Will the senator tell me that I am to despise them, or to hate England more than any other nation? If he does, I differ from him. I do not say that I have any especial love for any nation. It is not a word properly applicable to other nations. We love our own country—a sentiment of patriotism inspires that feeling; but as to other nations, we have feelings and opinions of different kinds. For some, we have much more respect and regard than for others. But, sir, I say here, in my place, if the word love be a word of preference, I avow it openly, that we have more sympathy with, and are under deeper obligations to, Great Britain than to any other nation on earth. I do not hesitate to say, in the sense I have spoken, that I love her more than any other foreign nation on earth. England, in our origin, law, literature, and free institutions, is our mother. The very roots of our institutions run into her soil. From what country do we derive the maxims, the spirit, the institutions, the safeguards of *our* liberty? Have not the streams of her literature been poured out upon us? Have we not all drunk of them with delight and improvement? From what country do we get *Magna Charta*, trial by jury, the common law, with its hardy morality, inculcating all that has given liberty security? Sir, will the gentleman answer? I am willing, in all the arts of peace, in commerce, in literature, in science, in morals, to become the rival of England; but I can see no inducement, consulting national policy, to assume towards her the position of a hostile adversary. Remarks which have been made during this discussion are well calculated to sow the seeds of jealousy and hatred between the two countries—that is, unless there shall be good sense to have a true understanding of them when the national interest shall demand it; and I wish the occasion to speak for itself. I would not shrink from a collision or war with Great Britain sooner than any other nation. There is not much patriotism, however, in a mere abuse of her.”

## CHAPTER II.

MEETING OF CONGRESS.—MESSAGE FROM THE PRESIDENT.—ACTS OF CONGRESS.—TREATIES WITH JAPAN AND MEXICO.—THE RECIPROCITY TREATY.—INCREASE OF COMMERCE.

THE first session of the thirty-third Congress assembled at Washington on Monday, December 5, 1853. The Senate assembled under the presidency (*pro tem.*) of R. Atchison, of Missouri. In the House of Representatives, the Hon. Linn Boyd, of Kentucky, was chosen Speaker. Each of the Houses having appointed committees to wait upon the President, to notify him of their organi-

sation, and their readiness to receive any communications he should be pleased to make, he transmitted, by the hands of his private secretary, his first annual Message.

The President stated, that diplomatic relations with foreign powers had undergone no essential change since the adjournment of the last Congress, although, with some of them, questions of a disturbing character were still pending ; but he had good reason to believe in an amicable adjustment.

Great Britain had so construed the Fisheries Treaty of 1818, as to exclude American fishermen from fishing-grounds to which they had freely resorted for nearly a quarter of a century previous to the date of that treaty. The United States had never acquiesced in that construction. With the view of removing all difficulties on that subject, and to regulate trade between the United States and the British North American provinces, a negotiation had been opened, with a fair probability of success. Embarrassing questions had also arisen between the two governments in regard to Central America. Great Britain had proposed to settle them by an amicable arrangement, and the United States' minister at London was instructed to enter into negotiations on that subject. A commission, organised under the Convention of February, 1853, for the adjustment of claims of citizens of the United States against Great Britain, and those of British subjects against the United States, was then in session at London. The President called the attention of Congress to the necessity of tracing the boundary line between the United States and Great Britain, as designated by the convention of the 15th of June, 1846.

The relations of France and the United States continued on the most friendly footing, but the President conceived the relinquishment of some unnecessary restrictions on commerce might prove mutually advantageous ; and with a view to that object, some progress had been made in negotiating a treaty of commerce and navigation.

Relative to the political relations with Spain, growing out of the proximity of her dependencies—Cuba, and Porto Rico—the President stated that, latterly, no attempts had been made by unauthorised expeditions within the United States against them, but should there be, the means at his command would be exerted to repress it. Several annoying occurrences had taken place between United States' citizens and the Spanish authorities of those islands. A proposition had been made to Spain to confer power on the Captain-General of Cuba to grant redress, but without avail. The United States' minister at Madrid was instructed to renew and press the proposition. The President recommended that the claims of Spanish subjects, for losses by the schooner *Amistad*, be adjusted.

The particulars of the *Martin Kosta* difficulty with Austria he thus summed up. *Martin Kosta*, a Hungarian by birth, came to the United States in 1850, and declared his intention, in due form, to become a citizen. After remaining there nearly two years, he visited Turkey. While at Smyrna, he was forcibly seized, taken on board an Austrian brig-of-war, then lying in the harbour of that place, and there confined in irons, with the avowed design to take him into the dominions of Austria. The United States' consul at Smyrna, and legation at Constantinople, interposed for his release, but their efforts were ineffectual.



While thus imprisoned, Commander Ingraham, with the United States' ship of war *St. Louis*, arrived at Smyrna, and after inquiring into the circumstances of the case, came to the conclusion that Kosta was entitled to the protection of the United States' government, and took energetic and prompt measures for his release. Under an arrangement between the agents of the United States and of Austria, he was transferred to the custody of the French consul-general at Smyrna, there to remain until he should be disposed of by the mutual agreement of the consuls of the respective governments at that place. Pursuant to that agreement he had been released, and was in the United States. Austria complained to the United States' government of the conduct of their officers, claimed Kosta as her subject, demanded the surrender of the prisoner, and satisfaction for the alleged outrage. The President came to the conclusion that Kosta was clothed with the nationality of the United States, justified and approved of the action of the United States' officers, and declined a compliance with the demands of Austria.

The commissioner to China had been instructed to avail himself of all occasions to open and extend the commercial relations, not only with that, but with other Asiatic nations. The expedition to Japan had arrived out, but no particulars had been received of its results.

A dispute had arisen with Mexico as to the true boundary line between New Mexico and Chihuahua. Other questions of considerable magnitude were pending between the two Republics. The United States' minister in Mexico had received ample instructions to adjust them, and the President expected mutually satisfactory arrangements would be concluded between the two countries.

Congress having provided for a full mission to the states of Central America, a minister had been sent thither. He had only had time to visit one of them, Nicaragua, where he had been received in the most friendly manner; but the President anticipated the most favourable results from the mission.

The free navigation of the Amazon river had been the subject of earnest attention; and the United States' minister at Rio Janeiro and Brazil, through whose territories it passes into the ocean, and whose government had fettered its navigation by restrictions, had been instructed to obtain a relaxation of the policy heretofore pursued by the government at Brazil. The Republic of Paraguay and the Argentine Confederation had yielded to the liberal policy in regard to the navigable rivers within their respective territories, and the President hoped Brazil would likewise yield.

A serious collision had arisen between citizens of the United States, visiting the Chincha Islands for guano, and the Peruvian authorities stationed there. Redress for the outrages committed by the latter on the former had been demanded by the United States' minister at Lima, and there was reason to believe that Peru was disposed to an adequate indemnity.

The revenue of the country had increased beyond either the interests or the prospective wants of the government. At the close of the fiscal year ending June 30, 1852, there remained in the Treasury a balance of 14,632,136 dollars. The public revenue for the fiscal year ending June 30, 1853, amounted to 58,931,865 dollars from customs, and to 2,405,708 dollars from public lands

and other miscellaneous sources, amounting together to 61,337,574 dollars; while the public expenditure for the same period, exclusive of payments on account of the public debt, amounted to 43,554,262 dollars; leaving a balance of 32,425,447 dollars of receipts above expenditure. The amount of the public debt of all classes was, on the 4th of March, 1853—69,190,037 dollars; payments on account of which had been made to the amount of 12,703,329 dollars; leaving unpaid, and in the continuous course of liquidation, the sum of 56,486,708 dollars. These payments, although made at the market price of the respective classes of stocks, had been effected readily, and to the general advantage of the Treasury, and had at the same time proved of signal utility in the relief they had incidentally afforded to the money market, and to the industrial and commercial pursuits of the country. The reduction of the tariff was recommended on the plan suggested by the Secretary of the Treasury—viz., to reduce the duties on certain articles, and to add to the free list many articles then taxed, especially such as entered into manufactures, and were not largely, or at all, produced in the country. Sundry other suggestions of the Secretary of the Treasury were commended to the consideration of Congress.

The strength and efficiency of the navy and of the army was not, in the estimation of the President, commensurate with the magnitude of the commercial and other interests of the United States, and especial attention was called to the recommendations of the Secretaries of the Navy and of War.

In the Post-Office department the gross expenditure for the fiscal year ending June 30, 1853, was 7,982,756 dollars; and the gross receipts during the same period, 5,942,734 dollars; showing that the current revenue failed to meet the current expenditure by the sum of 2,042,032 dollars. The causes were fully explained by the Postmaster-General; the main cause having been the enormous rates the department had been made to pay for mail service rendered by railroad companies.

Attention was called to the defects in the law punishing frauds on the Pension Bureau, and early action was considered imperative.

During the past fiscal year, ending June 30, 1853, 9,819,411 acres of the public lands had been surveyed, and 10,363,891 acres brought into market. Within the same period, the sales by public purchase and private entry amounted to 1,083,495 acres; located under military bounty-land warrants, 6,142,360 acres; located under other certificates, 9,427 acres; ceded to the States as swamp lands, 16,684,253 acres; selected for railroad and other objects, under Acts of Congress, 1,427,457 acres. Total amount of lands disposed of within the fiscal year, 25,346,992 acres; which is an increase in quantity sold and located under warrants and grants, of 12,231,818 acres, over the fiscal year immediately preceding. The quantity of land sold during the second and third quarters of 1852, was 334,451 acres. The amount received, therefore, was 723,687 dollars. The quantity sold the second and third quarters of the year 1853, was 1,609,919 acres; and the amount received, therefore, 2,226,876 dollars.

The whole number of land-warrants issued under existing laws, prior to the 30th September, 1853, was 266,042; of which there were outstanding at that date, 66,947. The extent of land required to satisfy these outstanding warrants



was 4,778,120 acres. Warrants had been issued to the 30th September, 1853, under the Act of 11th February, 1847, calling for 12,879,280 acres ; under Acts of September 28, 1850, and March 22 1852, calling for 12,505,360 acres ; making a total of 25,384,640 acres.

Opinions had often been expressed in relation to the operation of the land system as not being a source of revenue to the Federal Treasury. From the report of the Secretary of the Interior, the net profits from the sale of the public lands to June 30, 1853, amounted to the sum of 53,289,465 dollars. The President was not prepared to recommend any essential change in the land system, except by modifications in favour of the actual settler, and an extension of the pre-emption principle in certain cases.

Congress, representing the proprietors of the territorial domain, had always exercised the power to construct roads within the territories, but there are distinctions between this exercise of power and that of making roads within the states. The power to make grants of lands within the states should not be used—so the President argued—otherwise than might be expected from a prudent proprietor, where it would be to his interest to contribute to the construction of such works.

The President concluded with a lengthy dissertation on the power to make grants for the construction of the Pacific railroad, and seemed to argue in its favour, under the war power of the constitution, which conferred upon Congress the authority to provide for the common defence.

During the session of Congress, which ended August 7, 1854, ninety-four public Acts, fifteen public Resolutions, one hundred and ninety-six private Acts, and ten joint Resolutions, were passed.

The most important public Act of the session, so far as its political bearing on the destinies of the Union was concerned, was that known as the Kansas-Nebraska Act ; the latter clause of the fourteenth section of which repealed the Missouri Compromise of 1820, in these words :—“ That the constitution, and all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said territory of Nebraska as elsewhere within the United States, except the eighth section of the Act, preparatory to the admission of Missouri into the Union, approved March 6, 1820, which, being inconsistent with the principle of non-intervention by Congress with slavery in the states and territories, as recognised by the legislation of 1850, commonly called the Compromise Measures, is hereby declared inoperative and void ; it being the true intent and meaning of this Act not to legislate slavery into any territory or state, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States : Provided, that nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the Act of 6th March, 1820, either protecting, establishing, prohibiting, or abolishing slavery.”

Relative to this Act, and more particularly so to the section above quoted, the Hon. William H. Seward, on the night of its passage, in a lengthy speech in opposition, made the following remarks :—“ The Missouri Compromise was a transaction which wise, learned, patriotic statesmen agreed to surround and

fortify with the principles of a compact for mutual considerations, passed and executed, and, therefore, although not irrevocable in fact, yet irrevocable in honour and conscience; and down, at least until this very session of the Congress of the United States, it has had the force and authority, not merely of an Act of Congress, but of a covenant between the free states and the slave states, scarcely less sacred than the constitution itself. Now, then, who are your contracting parties in the law establishing governments in Kansas and Nebraska, and abrogating the Missouri Compromise? What are the equivalents in this law? What has the North given, and what has the South got back, that makes this a contract? Who pretends that it is anything more than an ordinary act of ordinary legislation? If then, a law, which has all the forms and solemnities recognised by common consent as a compact, and is covered with traditions, cannot stand amid this shuffling of the balance between the free states and the slave states, tell me what chances this new law you are passing will have? You are, moreover, setting a precedent which abrogates all compromises. Four years ago you obtained the consent of a portion of the free states—enough to render the effort at immediate repeal or resistance alike impossible—to what we regarded as an unconstitutional Act for the surrender of fugitive slaves. That was declared, by the common consent of the persons acting in the name of the two parties, the slave states and the free states in Congress, an irrevocable law, not even to be questioned, although it violated the constitution. In establishing this new principle, you expose that law also to the chances of repeal. You not only so expose the fugitive slave law, but there is no solemnity about the articles for the annexation of Texas to the United States which does not hang about the Missouri Compromise; and when you have shown that the Missouri Compromise can be repealed, then the articles for the annexation of Texas are subject to the will and pleasure and the caprice of a temporary majority in Congress.”

These remarks elicited no reply; but, in the future of this history, the subject will be seen handled in a masterly manner in one of the subsequent annual messages of the (then) President of the United States.

The Act to graduate and reduce the price of the public lands, which passed this session, was of great importance to many sections of the country. The substance of its provisions were these:—All public lands that had been in market ten years should be subject to sale at 1 dollar per acre; those in market fifteen years, 75 cents per acre; twenty years in market, 50 cents per acre; twenty-five years in market, 25 cents per acre; thirty years in market, 12½ cents per acre. The exceptions were lands reserved to the United States, in Acts granting land to states for railroads, or other internal improvements, or to mineral lands, held at over 1 dollar and 25 cents per acre. The conditions were actual settlement and cultivation, or for the use of an adjoining farm or plantation, owned or occupied by him or herself, and together with said entry he or she had not acquired from the United States, under the provisions of this Act, more than 320 acres.

The Japanese expedition resulted in opening commercial and friendly relations between the Empire of Japan and the United States. On the 31st of March, 1854, a treaty was signed at Yeddo which opened the port of Simodi, near the entrance to the Bay of Yeddo, and the port of Hado-daki (near



Matsmai), on the straits of Sangad, to American commerce. The treaty secures assistance to American vessels in case of distress; provides that they shall be furnished with wood, water, coal, provisions, &c., at fixed and reasonable prices; establishes a scale of the value of coin, a standard of weights and measures, and provides for the carrying on of commerce with Japan by the citizens of the United States. The treaty arranges for the residence of American citizens at those ports opened, and also for the residence of consuls, if, in future, either party should desire it. It also provides that Americans residing in, or visiting these ports, shall be free to visit the interior, to the distance of ten or twelve miles, without molestation.

The treaty made with Mexico at this time (1854), generally known as the Gadsden Treaty, accomplished much towards arranging matters in dispute, as to boundaries, &c., between the two governments. For the consideration of ten millions of dollars, paid by the United States to Mexico, the Mexican government agreed to designate the following as her true limits with the United States for the future: retaining the same dividing line between the two Californias as already defined and established, according to the 5th article of the Treaty of Guadalupe Hidalgo. The limits between the two Republics to be:—Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the 5th article of the Treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of  $31^{\circ} 47'$  north latitude crosses the same; thence due west 100 miles; thence south to the parallel of  $31^{\circ} 20'$  to the 111th meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado, twenty English miles below the junction of the Gila and Colorado rivers; thence up the middle of the said River Colorado until it intersects the present line between the United States and Mexico.

By the 4th article of the treaty the provisions of the 6th and 7th articles of the Treaty of Guadalupe Hidalgo were abrogated, and the provisions following substituted therefor. The vessels and citizens of the United States shall, in all time, have free and uninterrupted passage through the Gulf of California, to and from their possessions situated north of the boundary line of the two countries; it being understood that this passage is to be by navigating the Gulf of California and the River Colorado, and not by land without the express consent of the Mexican government. And precisely the same stipulations, provisions, and restrictions in all respects were agreed upon and adopted, and were to be scrupulously observed by the two contracting parties in reference to the Rio Colorado, so far and for such distance as the middle of that river was made the common boundary line by the first article of this treaty.

The 8th article of the treaty secured the benefits of transit across the Isthmus of Tehuantepec to the persons and merchandise of the citizens of Mexico and the United States alike, and prohibited the Mexican government from transferring interest in said transit way, or in the proceeds thereof, to any foreign government. It also granted the right to the United States to transport across the Isthmus, in closed bags, the mails of the United States; also the effects of the United States' government and its citizens which may be intended for transit, free of custom-house or other charges by the Mexican government.

Passports and letters of security were no longer required for persons passing through and not remaining in the country. The Mexican government also agreed upon the completion of a railroad across the Isthmus, to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

The Reciprocity Treaty, extending the right of fishing, and regulating the commerce and navigation between the British North American Colonies and the United States, having been the means of settling threatening difficulties between the two countries, and also as an earnest of the disposition of the British government to open up reciprocal free trade with the United States, is herewith given in full:—

“Article 1. It is agreed by the high contracting parties, that in addition to the liberty secured to the United States’ fishermen by the Convention of 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward’s Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the coasts and shores of those colonies and the islands thereof, and upon the Magdalen Islands, for the purpose of drying their nets and curing their fish. Provided, that in so doing they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coast in their occupancy for the same purpose. It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that salmon and shad-fisheries, and all fisheries in rivers and mouths of rivers, are hereby reserved exclusively for British fishermen. And it is further agreed, that in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British fishermen, contained in this article, and that of fishermen of the United States, contained in the next succeeding article, apply, each of the high contracting parties, on the application of either to the other, shall, within six months thereafter, appoint a Commissioner. The said Commissioners, before proceeding to any business, shall make and subscribe a solemn declaration, that they will impartially and carefully decide, to the best of their judgment, and according to justice and equity, without fear, favour, or affection to their own country, upon all such places as are intended to be reserved and excluded from the common liberty of fishing under this and the next succeeding article, and such declaration shall be entered on the record of their proceedings. The Commissioners shall name some third person to act as arbitrator or umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree with the name of such person they shall each name a person, and it shall be determined by a lot which of the two persons so named shall be arbitrator or umpire in cases of difference or disagreement between the Commissioners. The person so to be chosen to be arbitrator or umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration, in a form similar to that which shall already



have been made and subscribed by the Commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of either the Commissioners, or the arbitrator, or umpire, or of their or his omitting, declining, or ceasing to act as such Commissioner, arbitrator, or umpire, another and different person shall be appointed or named, as aforesaid, to act as such Commissioner, arbitrator, or umpire, in the place and stead of the person so originally appointed or named as aforesaid, and shall make and subscribe such declaration as aforesaid. Such Commissioners shall proceed to examine the coasts of the North American Provinces and of the United States embraced within the provision of the first and second articles of this treaty, and shall designate the places reserved by the said articles from the common right of fishing therein. The decision of the Commissioners, and of the arbitrator and umpire, shall be given in writing in each case, and shall be signed by them respectively. The high contracting parties hereby solemnly engage to consider the decision of the Commissioners conjointly, or of the arbitrator or umpire, as the case may be, as absolutely final and conclusive in each case decided upon by them or him respectively.

“Article 2. It is agreed by the high contracting parties that British subjects shall have, in common with the subjects of the United States, the liberty to take fish of every kind, except shell-fish, on the eastern sea-coast and shores of the United States north of the thirty-sixth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbours, and creeks of the said sea, the coasts and shores of the United States, and of the said islands, without being restricted to any distance from the shores, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish, provided in so doing they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts, in their occupancy for the same purpose. It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that salmon and shad fisheries, and all fisheries in rivers and mouths of rivers, are hereby reserved exclusively for the fishermen of the United States.

“Article 3. It is agreed that the articles enumerated in the schedule, hereunto annexed, being the growth and produce of the aforesaid British Colonies or of the United States, shall be admitted into each country respectively free of duty.

“Schedule.—Grain, flour, and breadstuffs of all kinds; fresh, smoked, and salted meats; cotton, wool, seeds, and vegetables; undried fruits; fish of all kinds; products of fish and all other creatures living in the water; poultry, eggs; hides, furs, skins or tails undressed; dyestuffs; fish oil; stone or marble in its crude or unwrought state; slate, coal; butter, cheese, tallow; lard, horns, manures; ores or metals of all kinds; pitch, tar, turpentine, ashes; timber, and lumber of all kinds, round, hewed, and sawed, manufactured in whole or in part; firewood; plants, shrubs, and trees; pelts, wool; rice, broom-corn, and bark; gypsum, ground and unground; hewn or wrought or unwrought burr or grindstone; flax, hemp, and tow, unmanufactured; unmanufactured tobacco; rags.

“Article 4. It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the river St. Lawrence, and the canals in

Canada, used as the means of communicating between the great Lakes and the Atlantic Ocean, with their vessels, boats, and crafts, as fully as the subjects of her Britannic Majesty, subject only to the same tolls and other assessments as now or may hereafter be exacted of her Majesty's said subjects; it being understood, however, that the British government retains the right of suspending this privilege on giving due notice thereof to the government of the United States. It is further agreed, that if at any time the British government should exercise the said reserved right, the government of the United States shall have the right of suspending, if it think fit, the operation of Article 3 of the present treaty, in so far as the province of Canada is affected thereby, for so long as the suspension of the free navigation of the river St. Lawrence or the canals may continue. It is further agreed that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts, so long as the privilege of navigating the river St. Lawrence, secured to Americans by the above clause of the present Article, shall continue; and the United States further engages to urge upon the state governments to secure to the subjects of her Britannic Majesty the use of the several canals on terms of equity with the inhabitants of the United States. And it is further agreed, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the state of Maine, watered by the river St. John and its tributaries, and floated down that river to sea, when the same is shipped to the United States from the province of New Brunswick.

"Article 5. The present treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain, and by the Provincial Parliaments of those of the British North American Colonies which are affected by this treaty on the one hand, and by the Congress of the United States on the other; such assent having been given, the treaty shall remain in force for ten years from the date at which it may come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of ten years, or at any time afterward. It is clearly understood, however, that this stipulation is not intended to affect the reservation made by Article 4, of the present treaty with regard to the right of temporarily suspending the operation of Articles 3 and 4 thereof.

"Article 6. And it is hereby further agreed, that the provisions and stipulations of the foregoing articles shall extend to the Island of Newfoundland, so far as they are applicable to that colony. But if the Imperial Parliament, the Provincial Parliament of Newfoundland, or the Congress of the United States, shall not embrace, in their laws enacted for carrying this treaty into effect, the colony of Newfoundland, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies above mentioned, shall not in any way impair the remaining articles of this treaty.

"Article 7. The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in Washington, within six months from the date



hereof, or earlier, if possible. In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

“Done in triplicate, at Washington, the fifth day of June, Anno Domini one thousand eight hundred and fifty-four.

“W. L. MARCY. [L. s.]

“ELGIN AND KINCARDINE.” [L. s.]

The value of articles imported into the United States during the fiscal year ending the 30th of June, 1854, which articles were made free by the Reciprocity Treaty, was 7,398,358 dollars; and the duties thereon yielded to the revenue 1,524,457 dollars.

The increase of the commerce of the United States since 1821, cannot better be illustrated than by the following facts, taken from official data:—

In 1821, the total imports, including specie, amounted to 62,585,524 dollars; in 1854, to 304,562,381 dollars. In 1821, the imports entered for consumption, exclusive of specie, 43,696,405 dollars; in 1854, 275,987,839 dollars. In 1821, the value of domestic produce exported, exclusive of specie, was 43,671,894 dollars; in 1854, 215,157,504 dollars. In 1821, the total exports, including specie, were 64,974,382 dollars; in 1854, 278,241,064 dollars. In 1821, the total tonnage of the United States was 1,298,958 tons; in 1854, 4,802,903 tons. In 1821, the tonnage built in the United States was 55,856 tons; and in 1854, 535,616 tons.

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### CHAPTER III.

MEETING OF CONGRESS.—PRESIDENTIAL MESSAGE.—FOREIGN AFFAIRS.—CENTRAL AMERICA.—FINANCIAL STATEMENT.—STATE OF THE INDIAN TERRITORY.—REPORT OF THE POSTMASTER-GENERAL.—THE PUBLIC LANDS.—ACTS OF CONGRESS.—BARON DE KALB.

THE second session of the thirty-third Congress was commenced on Monday, December 4, 1854.

The Senate and the House of Representatives having been organised, the President transmitted his annual Message. He commenced by stating that the past had been an eventful year, and would be hereafter referred to as a marked epoch in the history of the world. While the United States had been preserved from the calamities of war, its domestic prosperity had not been entirely uninterrupted: the crops in portions of the country had been nearly cut off, disease had prevailed to a greater extent than usual, and the sacrifice of human life, through casualties by sea and land, were without parallel. However, the pestilence had passed away, and though the husbandman had been less bountifully rewarded for his labour than in preceding seasons, an abundance had been left for home wants, and a large surplus for exportation.

The wise theory of the United States' government, early adopted and steadily pursued, of avoiding all entangling foreign alliances, had hitherto exempted it from many complications in which it might otherwise have been involved.

Notwithstanding this, there was an increased disposition manifested by some European powers to supervise and to direct the foreign policy of the United States. One or another of the European powers had from time to time undertaken to enforce arbitrary regulations contrary to established principles of international law. That law the United States, in their intercourse with the powers of Europe, had uniformly respected and observed, and would not recognise any such interpolations as the temporary interests of others might suggest. "Leaving the transatlantic nations," said the President, "to adjust their political system in the way they may think best for their common welfare, the independent powers of the American continent may well assert the right to be exempt from all annoying interference. Systematic abstinence from intimate political connection with distant foreign nations did not conflict with giving the widest range to the foreign commerce of the United States. Their past course gave unquestionable assurance that their purposes were not aggressive, nor threatening to the safety and welfare of other nations. The military and naval forces of the confederacy are reduced to the lowest possible standard necessary to maintain exterior defences, to preserve order among the aboriginal tribes within the limits of the United States, and for the protection of American citizens and American commerce, diffused, as they were, over all the seas of the globe. These considerations should allay all apprehensions as to the disposition of the United States to encroach on the rights or endanger the security of other states.

"Some European nations had regarded with disquieting concern the territorial expansion of the United States; but in every instance these acquisitions had been honourably obtained, and by no means justified the imputation that American advancement had arisen from a spirit of aggression, or from a passion for political predominance.

"The foreign commerce of the United States had reached a magnitude and extent nearly equal to that of Great Britain, the first maritime power of the earth, and exceeded that of any other. Over this great interest the executive and legislative branches of that government should exercise a careful supervision, and adopt proper means for its protection. The policy, the President remarked, in regard to this interest, embraced its future as well as its present security. Experience had shown, that when the principal powers of Europe were engaged in war, the rights of neutral nations were endangered. This consideration led, in the progress of the war for the independence of the United States, to the formation of the celebrated confederacy of armed neutrality, a primary object of which was to assert the doctrine that free ships make free goods, except in the case of contraband of war; a doctrine which, from the commencement of national existence, had been a cherished idea of American statesmen. At one period or another, remarked the President, every maritime power had, by some solemn treaty stipulation, recognised that principle; and it might have been hoped that it would come to be universally received as a rule of international law. But the refusal of one great power prevented this; and in the next great war which ensued, that of the French revolution, it failed to be respected among the belligerent states of Europe. At the commencement of the Russian war (1854) in Europe, Great Britain and France announced their purpose to observe it—not, however, as a recognised international right, but as a concession for the time



being. This co-operation appeared to the President as an opportunity afforded to the United States to make the doctrine in question a principle of international law. Accordingly a proposition was made, embracing not only the rule that free ships make free goods, except contraband articles, but also the less contested one, that neutral property other than contraband, though on board enemies' ships, should be exempt from confiscation. Russia had acted promptly in the matter; and provided for the observance of the principles announced, not only with the United States, but with any other nation disposed to enter into like stipulations. The King of the Two Sicilies had expressed his readiness to concur. The King of Prussia likewise approved, but proposed an additional article, renouncing privateering; but the American government, for obvious reasons, would not listen to such a proposition. In the event of a war, the commerce of a nation having but a small naval force, as was the case of the United States, would be at the mercy of its enemy, if that enemy were a power of decided naval superiority, should privateering be abolished.

"The ratification of the treaty, known as the Reciprocity Treaty, between Great Britain and the United States, had been exchanged. Some of its anticipated advantages had already been enjoyed by the United States, although its full execution was to abide certain acts of legislation not yet fully performed. As soon as the treaty had been ratified, Great Britain opened to the commerce of the United States the free navigation of the river St. Lawrence, and to American fishermen unmolested access to the shores and bays of her North American provinces, from which they had heretofore been excluded. In return, Great Britain had engaged for the introduction, free of duty, into the ports of the United States fish caught on the same coast by British fishermen. This being the compensation stipulated in the treaty for privileges of the highest importance and value to the United States, which were thus voluntarily yielded before it became effective, the President had instructed the Treasury department to issue a regulation to ascertain the duties paid by British fishermen, and recommended Congress to grant authority to refund said duties which had been paid since the fishing-grounds had been opened to American fishermen. In consequence of difficulties on the part of the citizens of the United States and Great Britain in reference to the boundary line of the territory of Washington adjoining the British possessions on the Pacific, the President recommended that provision be made for a joint commission for the purpose of running and establishing the line in controversy. Certain stipulations of the Treaty of 1846, regarding possessory rights of the Hudson's Bay Company, and property of the Puget's Sound Agricultural Company, having given rise to serious disputes, it was important that summary means of settling them amicably should be devised. The President had reason to believe an arrangement could be made for the extinguishment of the rights in question, embracing also the right of the Hudson's Bay Company to the navigation of the river Columbia, and suggested to Congress the expediency of a contingent appropriation for that purpose.

"Some difficulty had existed with the French consul at San Francisco on the part of the United States, and subsequently with the American minister to Spain on the part of the French government, but mutual explanations had been made which on both sides were considered satisfactory.

"In consequence of internal agitation, assuming very nearly the character of a political revolution, in Spain, no propitious opportunity had presented itself for the adjustment of serious questions of difficulty between the Spanish government and the United States. A change of ministry had taken place in Spain, and the President trusted the American minister would find the present administration more favourably inclined to restore harmony and preserve peace between the two countries than their predecessors.

"Negociations had been pending with Denmark to discontinue the levying of tolls on American vessels and their cargoes passing through the Sound. By treaty stipulation between Denmark and the United States this had been arranged, but twelve months' notice was to be given of an intention to terminate it; the President, therefore, deemed it expedient for the United States to give that notice.

"The Japan expedition had been conducted to a successful termination. A treaty, opening certain of the ports of Japan, had been negotiated. Nothing further remained to give full effect thereto than to exchange ratifications, and adopt the requisite commercial relations.

"The treaty (Gadsden) concluded between the United States and Mexico had settled some of the most embarrassing difficulties between the two governments, although numerous claims remained unadjusted, owing, probably, to the disturbed condition of the country. Expeditions from the United States against the Mexican government had been frustrated by the authorities of the former. In two instances, however, they had escaped, but the effective means taken by the United States' government compelled them to abandon the undertaking. The commission to establish the new boundary line between the United States and Mexico had been organised, and the work had commenced.

"The United States' treaties with the Argentine Confederation, and with the Republics of Uruguay and Paraguay, secured to the former the free navigation of the river La Plata, and some of its larger tributaries. The same success had not attended endeavours with Brazil to open the Amazon, but the President hoped that pending negotiations would reach a favourable result.

"The importance of the Isthmus transit through Central America to the commercial relations existing between the Atlantic and Pacific coasts of the United States, made it the duty of that government to secure these avenues against all danger of interruption. In relation to Central America perplexing questions existed between the United States and Great Britain at the time of the cession of California. These, as well as questions which subsequently arose concerning inter-oceanic communications, were supposed to be adjusted by the Treaty of 1850, but serious misunderstandings as to the import of that treaty had taken place, and a readjustment was then under consideration, but negotiations through the United States' minister at London had not been brought to a termination."

Incidental to these questions the President deemed it proper to notice an occurrence which had happened in Central America, a brief statement of which follows:—

"So soon as the necessity was perceived of establishing inter-oceanic communications across the Isthmus, a company was organised, under authority of



the state of Nicaragua, but composed for the most part of citizens of the United States, for the purpose of opening such a transit-way by the river San Juan and Lake Nicaragua, which soon became an eligible and much-used route in the transportation of American citizens and their property between the Atlantic and Pacific. Meanwhile, and in anticipation of the completion and importance of this transit-way, a number of adventurers had taken possession of the old Spanish port at the mouth of the river San Juan, in open defiance of the several states of Central America, which, upon their becoming independent, had rightfully succeeded to the local sovereignty and jurisdiction of Spain. These adventurers undertook to change the name of the place from San Juan del Norte to Greytown; and though at first pretending to act as the subjects of the fictitious sovereign of the Mosquito Indians, they subsequently repudiated the control of any power whatever, assumed to adopt a distinct political organisation, and declared themselves an independent sovereign state. If, at some time, a faint hope was entertained that they might become a stable and respectable community, that hope soon vanished. They proceeded to assert unfounded claims to civil jurisdiction over Punta Arenas, a position on the opposite side of the river San Juan, which was in possession, under a title wholly independent of them, of citizens of the United States, interested in the Nicaragua Transit Company, and which was indispensably necessary to the prosperous operation of that route across the Isthmus. The Company resisted their groundless claims; whereupon they proceeded to destroy some of its buildings, and attempted violently to dispossess it. At a later period, they organised a strong force for the purpose of demolishing the establishment at Punta Arenas, but this mischievous design was defeated by the interposition of one of the United States' ships of war, at that time in the harbour of San Juan. Subsequently to this, in May, 1854, a body of men from Greytown crossed over to Punta Arenas, arrogating authority to arrest, on the charge of murder, a captain of one of the steamboats of the Transit Company. Being well aware that the claim to exercise jurisdiction there would be resisted then, as it had been on previous occasions, they went prepared to assert it by force of arms. The United States' minister to Central America happened to be present on the occasion. Believing the captain of the steamboat was innocent—for he had witnessed the transaction on which the charge was founded—and believing, also, that the intruding party, having no jurisdiction over the place where they proposed to make the arrest, would encounter desperate resistance if they persisted in their purpose, he interposed effectually to prevent violence and bloodshed. The United States' minister afterwards visited Greytown, and whilst he was there, a mob, including some of the so-called public functionaries of the place, surrounded the house in which he was, avowing that they had come to arrest him by order of some person exercising the chief authority. While parleying with them, he was wounded by a missile from the crowd. A boat, despatched from the American steamer *Northern Light* to release him from the perilous situation in which he was understood to be, was fired into by the town guard, and compelled to return. These incidents, together with the known character of the population of Greytown, and their excited state, induced just apprehensions that the lives and property of American citizens at Punta Arenas would be in imminent danger after

the departure of the steamer with her passengers for New York, unless a guard was left for their protection. For this purpose, and in order to ensure the safety of passengers and property passing over the route, a temporary force was organised, at considerable expense to the United States. This pretended community, a heterogeneous assemblage gathered from various countries, and composed for the most part of blacks and persons of mixed blood, had previously given other indications of mischievous and dangerous propensities. Property had been clandestinely abstracted from the depôt of the Transit Company, and taken to Greytown. The plunderers obtained shelter there, and their pursuers were driven back by its people, who not only protected the wrong-doers and shared the plunder, but treated with rudeness and violence those who sought to recover their property.

"Such in substance were the facts," said the President, "proved by trustworthy evidence. The case demanded the interposition of the government. Seasonable notice was given to the people of Greytown that the United States' government required them to repair the injuries they had done to American citizens, and to make suitable apology for the insult to their minister, and that a ship of war would be despatched thither to enforce compliance with these demands. The notice was unheeded. The sloop of war *Cyane* was ordered there to repeat the demands, but neither the populace, nor those assuming to have authority, manifested any disposition to respond, or offer any excuse for their conduct. Whereupon the commander of the *Cyane* warned them by a public proclamation, that if satisfaction was not given by a time specified, he would bombard the town. Notwithstanding, no explanation was offered in extenuation of their conduct, but they contumaciously refused to hold any intercourse with the commander of the *Cyane*. This conduct was imputable chiefly to the delusive idea that the American government would be deterred from punishing them through fear of displeasing a formidable foreign power, which they thought looked with complacency upon their aggressive and insulting deportment. The *Cyane* at length fired on the town, and destroyed most of the buildings in the place." This transaction had been the subject of complaint on the part of some foreign powers, but the President justified it on national grounds.

The amount of revenue during the fiscal year ending 30th June, 1854, from all sources, was 73,559,705 dollars; and the public expenditure for the same period, exclusive of payments on account of the public debt, amounted to 51,018,259 dollars. During the same period, the payments made in redemption of the public debt, including interest and premium, amounted to 24,336,380 dollars. To the sum total of the receipts of that year is to be added a balance remaining in the Treasury at the commencement thereof, amounting to 21,942,892 dollars; and at the close of the same year, a corresponding balance, amounting to 20,137,967 dollars of receipts above expenditure, also remained in the Treasury. The President stated that although, in the opinion of the Secretary of the Treasury, the receipts of the fiscal year ending 30th June, 1855, were not likely to equal in amount the year preceding, yet it was estimated they would exceed the expenditure by at least fifteen millions of dollars; consequently, he had directed the surplus revenue still to be applied to the reduction of the public debt, the amount of which at the commencement of the last fiscal year (1st July,



1854), was 67,340,628 dollars; of which there had been paid on the 20th November, 1854, the sum of 22,365,172 dollars; leaving a balance of outstanding public debt of only 44,975,456 dollars, redeemable at different periods within fourteen years.

The estimates presented to Congress from the different executive departments at the last session (for the fiscal year ending 30th June, 1855), amounted to 38,406,581 dollars; and the appropriations made, to the sum of 58,116,958 dollars. Of this excess of appropriations over estimates, however, more than twenty millions was applicable to extraordinary objects, having no reference to the annual expenditures. Among these objects was embraced ten millions to meet the third article of the treaty between the United States and Mexico; so that, in fact, for objects of ordinary expenditure, the appropriations were limited to considerably less than forty millions of dollars. The President therefore renewed his recommendation for a reduction of the duties on imports, and called the attention of Congress to a series of tables, presented by the Secretary of the Treasury, showing the operation of the revenue system for several successive years; observing, that as the general principle of reduction of duties, with a view to revenue and not protection, may be regarded as the settled policy of the United States, he trusted that little difficulty would be encountered in settling the details of a measure to that effect.

No express provision of law requiring the records and papers of a public character of the several officers of the government to be left in their offices for the use of their successors, nor any provision declaring it felony on their part to make false entries in the books or return false accounts, and numerous instances having occurred by which attempts had been made to defraud the government, in consequence of this want of legislation, the President called the attention of Congress to it, so that a remedy might be provided; for other material modifications of the revenue laws which seemed to him desirable, reference was made to the report of the Secretary of the Treasury. That report, and the tables which accompanied it, furnished ample proof, in the opinion of the President, of the solid foundation on which the financial security of the country rested, and of the salutary influence of the independent treasury system upon commerce and all monetary operations.

Attention was called to the absolute necessity of increasing the military force employed in the territory inhabited by the Indians. The settlers on the frontiers had suffered much from the incursions of predatory bands, and large parties of emigrants to the Pacific possessions of the United States had been massacred with impunity. From the garrisons of the frontier posts only small bodies of troops could be detached, and they have usually suffered severely in contests with superior numbers, often being entirely sacrificed. Without an increase of the military force these scenes will be repeated on a larger scale. The plainest duties and responsibilities of government are involved in this question, and the President trusted that prompt action would be taken by Congress when delay would be attended by such fearful hazards.

The Bill of the previous session increasing the pay of the rank and file of the army had produced beneficial results, but corresponding consideration had not been given to the officers, which the President regretted. An increase of four

regiments (two of infantry and two of cavalry) to the military force of the government was recommended by the President as sufficient to meet the existing exigency of the service. Certain other measures of reform—the outlines of which were given—were suggested, which the President hoped would attract early attention, and be deemed worthy of the approval of Congress. The recommendation of the Secretary of the Navy, having reference to more ample provisions for the discipline and general improvement in the character of seamen, and for the reorganisation and gradual increase of the navy, was deemed worthy of the favourable consideration of Congress. The augmentation of the navy had not kept pace with the duties properly and profitably assigned to it in time of peace, and it was inadequate for the large field of its operations, not merely in the present, but still more in the progressively increasing exigencies of the commerce of the United States. The proposed apprentice system, recommended by the Secretary of the Navy, met with the cordial approval of the President.

The President then referred to recent marine disasters, which had produced intense emotions of sympathy and sorrow throughout the Union. He supposed that, in consequence of the increased commercial tonnage of the United States, the want of reliable seamen began to be seriously felt, which would, in part, account for these disasters. He therefore proposed to meet that inconvenience by regulations for the introduction into American ships of indentured apprentices, and also by a revision of the laws for the maintenance of discipline at sea, which laws, he suggested, should conform to those enacted by some states of the Union for the punishment of those employed in the transportation of persons by railways or by steamboats on rivers.

The report of the Postmaster-General showed that the expenditure of the year ending June 30, 1854, including 133,483 dollars of balance due to foreign offices, amounted to 8,710,907 dollars. The gross receipts during the same period amounted to 6,955,586 dollars; exhibiting an expenditure over income of 1,755,321 dollars, and a diminution of deficiency, as compared with the last year, of 361,756 dollars. The increase of the revenue of the department for the year ending June 30, 1854, over the preceding year, was 970,399 dollars. No proportionate increase, however, could be anticipated for the current year, in consequence of the Act of Congress of June 23, 1854, providing for increased compensation to all postmasters. The cost of mail transportation during the year ending June 30, 1854, exceeded the cost of the preceding year by 495,074 dollars.

During the fiscal year ending June 30, 1854, 11,070,935 acres of the public lands had been surveyed, and 8,190,017 acres brought into market. The number of acres sold was 7,035,735, and the amount received therefor, 9,285,533 dollars. The aggregate amount of lands sold, located under military scrip and land warrants, selected as swamp lands by states, and by locating under grants for roads, was upwards of twenty-three millions of acres. The increase of lands sold, over the previous year, was about six millions of acres; and the sales during the two first quarters of the current year (from January 1 to July 1, 1854) presented the extraordinary result of 5,500,000 sold, exceeding by nearly four millions of acres the sales of the corresponding quarters of the previous year. Since 1790, 30,000,000 of acres of the public lands had been donated to those who had served the country in time of war.



The President referred to suggestions he had submitted in a preceding Message in reference to grants of land in aid of the construction of railways, and stated that they were less full and explicit than the magnitude of the subject and subsequent developments would seem to render proper and desirable. A prudent proprietor looks beyond limited sections of his domain, beyond present results, to the ultimate effects which a particular line of policy is likely to produce upon all his possessions and interests. The government which is trustee is bound to take the same wise and comprehensive view. Prior to and during the last session of Congress, upwards of thirty millions of acres of the public lands had been withdrawn from public sale with a view to application for railroad grants. A careful review of the whole subject had led the President to abrogate all such orders.

In the course of twenty-five years, in all the states of the Union, encouraged by state legislation, large dividends realised from the earlier works which traversed great thoroughfares, and stimulated by the energy of private enterprise, but 17,000 miles of railroads had been constructed. Many of them, commenced and prosecuted upon what were deemed sound principles and safe calculations, were in a crippled state, paying extravagant rates for interest on money to continue operations. The President thought the tendency had already been to excess, and it was injudicious to further stimulate by congressional grants. The better rule would be to leave these works to private enterprise, aided, when necessary, by the co-operation of states. If to enable companies to execute their proposed works the aid of the general government must be primarily given, the policy will present a problem so comprehensive in its bearings, and so important to political and social well-being, as to claim in anticipation the severest analysis. The President reserved his further views on this subject to a special Message, which would accompany his veto of the Bill entitled, "An Act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under authority of law."

Attention was called to former suggestions in reference to certain reforms in the manner of conducting the legal business of the government, and to a modification of the judicial establishment of the United States; and also to recommendations of various subjects of deep interest to the inhabitants of the district of Columbia.

The President concluded his Message with a recapitulation of the duties and responsibilities of the Congress of the United States, and invoked the blessing of the Almighty to attend upon their deliberations, and upon the councils and acts of the government.

During the session there were enacted ninety public and one hundred and twenty-four private Acts; twelve public and thirteen private Resolutions. Those of historical importance are herewith given.

By Public Act XXII., persons heretofore born, or hereafter to be born, out of the limits and jurisdiction of the United States, whose fathers were, or should be at the time of their birth, citizens of the United States, shall be deemed and considered, and were declared to be citizens of the United States: Provided, however, that the right of citizenship should not descend to persons whose fathers never resided in the United States. Any woman who might lawfully be

naturalised under existing laws, married, or who should be married, to a citizen of the United States, should be deemed and taken to be a citizen.

By Public Act XLII., a Court of Claims was established, by which all claims against the United States, founded upon any law of Congress, or upon any regulation of an executive department, or upon any contract, expressed or implied, with the government of the United States, which might be suggested to it by a petition filed therein, should be tried. At the commencement of each Congress, and at the commencement of each month during the session of Congress, reports were to be made upon claims finally acted upon, giving the evidence upon which the claim was acknowledged or rejected. If favourable, the Court was to draw up a bill in such form as, if enacted, would carry the same into effect. If adverse, the claim was to be placed upon the Calendar of Congress; and if the decision of the Court was confirmed, the decision was to be final, and could not be brought up again, unless sufficient grounds for granting a new trial could be shown to the Court.

The Act for the payment of invalid or other pensions for the fiscal year ending June 30, 1856, appropriated 1,396,500 dollars.

Public Act LXIV. gave to each of the surviving commissioned or non-commissioned officers, musicians, and privates, who were regularly mustered into the service of the United States, and every officer, commissioned or non-commissioned, seaman, ordinary seaman, marine, flotilla-man, clerk, and landsman in the navy, who had served in any of the wars in which the United States had been engaged since 1790, militia, or volunteers, or state troops of any state or territory, called into military service, and regularly mustered therein, and whose services had been paid by the United States for any service not less than fourteen days, a certificate or warrant for 160 acres of land, provided an honourable discharge had been obtained, or that it does not appear by the muster-rolls that he had deserted, or had been dishonourably discharged. The provisions of this Act extended to the widow and minor children in case of the death of the original claimant. Its benefits were also extended to waggon-masters, teamsters, and chaplains. When any of the claimants under this Act had received a certificate or warrant previously, he shall be entitled to a certificate or warrant for such quantity of land as will make in the whole 160 acres.

By Public Act LXX. there was added to the army of the United States two regiments of infantry and two regiments of cavalry. An institution, under the title of the Government Hospital for the Insane, for the benefit of the insane of the army and navy of the United States, and of the District of Columbia, was founded by Public Act LXXVI.

By Public Act LXXVII. letter postage was reduced. For every letter weighing one half ounce, three cents were charged for any distance not over 3,000 miles; over that distance, ten cents per half ounce. Letters weighing over half an ounce, were charged in proportion.

The diplomatic and consular system was remodelled by Public Act LXXIX. It abolished outfits and allowances for salaries of clerks, office-rent, &c. It also provided that salaries should not commence until the party had reached his post. There were created of the grade of Envoys Extraordinary and Ministers Plenipotentiary twenty-eight, to represent the United States at foreign courts. The



minister to Great Britain was to receive annually 17,500 dollars; those to France and China, each, 15,000 dollars; those to Spain, Russia, Prussia, Austria, Mexico, and Brazil, each, 12,000 dollars; that to Peru, 10,000 dollars; those to Turkey and Chili, each, 9,000 dollars; those to Rome, Naples, Sardinia, Belgium, Holland, Switzerland, Portugal, Denmark, Sweden, Argentine Republic, New Granada, Bolivia, Ecuador, Venezuela, Guatemala, and Nicaragua, each 7,500 dollars. The Secretaries of Legation were allowed from 2,500 dollars the highest, to 1,500 dollars the lowest. The Consuls were salaried from 500 to 7,500 dollars; the highest being those of London and Liverpool, which were salaried alike. Perquisites of any kind were disallowed, but a fee-bill was enacted, the proceeds of which were to be subject to the draft of the government, quarterly statements of which were to be forwarded to the Department of State.

An Act was also passed, regulating the carriage of passengers in steam-ships and other vessels, which provided for their health, comfort, and security.

The sum of 20,000 dollars was appropriated for the benefit of Commodore M. C. Perry, of the United States' navy, to reimburse him for the extraordinary expenses incurred by him on his mission to Japan, and as a consideration for his eminent public service in effecting a treaty of amity and commerce with that power.

The grade of lieutenant-general was revived in the army of the United States, in order—said the joint resolution of both Houses of Congress—that when, in the opinion of the President and Senate, it shall be deemed proper to acknowledge eminent services of a major-general of the army in the late war with Mexico in the mode provided for in subordinate grades, the grade of lieutenant-general may be specially conferred by brevet, and by brevet only, to take rank from the date of such service or services: provided, however, that when the said grade of lieutenant-general, by brevet, shall have once been filled, and have become vacant, this joint resolution shall thereafter expire, and be of no effect.

Private Act XXXI. appropriated 66,090 dollars to the children and heirs of Baron de Kalb, in consideration of the claims, services, and sacrifices of the late Major-General Baron de Kalb in the war of the Revolution. We append a brief history of this personage. John de Kalb, baron, a major-general in the American army during the war of the Revolution, was born about 1732, in Alsatia, a German province in possession of France, and educated in the art of war in the French army. In 1762 he visited the Anglo-American colonies as a secret agent of the French government. He was a brigadier in the French service, when, November 7, 1776, he made with Franklin and Silas Deane an engagement to serve in the forces of the revolted colonies; and in 1777, he accompanied Lafayette to America. Congress appointed him a major-general September 15, 1777, after which he joined the main army under Washington, and was active in the events near Philadelphia which preceded the encampment at Valley Forge. He served in New Jersey and Maryland, till, in April, 1780, he was sent to reinforce General Lincoln, then besieged in Charleston, but arrived too late. He was second in command under General Gates, and in the battle of Camden, South Carolina, August 16, 1780, was at the head of the Maryland

and Delaware troops, who maintained their ground till Cornwallis concentrated his whole force upon them. He fell, pierced with eleven wounds, in the charge upon his regiment, before they gave way. He died at Camden, three days afterwards, where a monument was erected to his memory in 1852, Lafayette laying the corner-stone.

The thirty-third Congress closed on the 4th of March, 1855.

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## CHAPTER IV.

MEETING OF CONGRESS.—CONTEST FOR THE SPEAKERSHIP.—THE PRESIDENT'S MESSAGE.—DISPUTES WITH GREAT BRITAIN.—THE SOUND DUES.—TREATIES EFFECTED.—FINANCIAL STATEMENT.—THE ARMY AND NAVY.—INDIAN HOSTILITIES.—THE DOCTRINE OF STATE RIGHTS: HOW AFFECTED BY SLAVERY.—DANGER OF INTERFERENCE BY ONE STATE WITH THE AFFAIRS OF ANOTHER.—NORTHERN AGGRESSION, AS SET FORTH IN THE HISTORY OF THE STATES.—REPEAL OF THE MISSOURI RESTRICTIONS.—THE DISSOLUTION OF THE UNION A PROBABLE EFFECT OF SECTIONAL AGITATION.—THE CAUSE CONTRASTED WITH THE EFFECTS.

On the 3rd of December, 1855, the thirty-fourth Congress assembled at Washington. In the House of Representatives a violent contest ensued for the Speakership, which commenced on the 3rd of December, 1855, and terminated on the 2nd of February, 1856, on which day the plurality rule was adopted, under the operation of which, at the hundred and thirty-third ballot, the Hon. N. P. Banks, of Massachusetts, was elected. This was the first political Republican triumph.

Contrary to precedent, the President did not await the organisation of the two houses, but, after the lapse of a month, communicated his annual Message.

He stated, as a matter of congratulation, that the Republic was tranquilly advancing in a career of prosperity and peace; that whilst relations of amity continued to exist with all foreign powers, grave questions were pending which required the consideration of Congress, the most important of which arose out of negotiations with Great Britain in reference to Central America. It was the undoubted understanding of the United States, in making the Treaty of the 19th of April, 1850, with Great Britain, that all the present states of the former republic of Central America, and the entire territory of each, would thenceforth enjoy complete independence; that no dominion was thereafter to be exercised or assumed in any part of Central America by Great Britain or the United States. The mutual covenants of non-occupation, as in correspondence contemporary with the ratification of the convention, it was distinctly expressed, were not intended to apply to the British establishment at the Balize, inasmuch as Great Britain had obtained from previous sovereigns of that country a concession of the right to cut mahogany or dye-woods at the Balize, but with positive exclusion of all domain or sovereignty. To a renewed call upon Great Britain by the United States' government to abide by and carry into effect the stipulations of the convention according to its obvious import, by withdrawing from the pos-



session or colonisation of portions of the Central American states of Honduras, Nicaragua, and Costa Rica, the British government had replied that the operation of the treaty was prospective only, which did not require Great Britain to abandon or contract any possessions held by her in Central America at the date of its conclusion.

To this the President had responded that the United States steadily denied that at the date of the treaty Great Britain had any possessions there, other than the limited and peculiar establishment at the Balize, and maintained that if she had any they were surrendered by the convention. The British government, knowing well the views of the United States, had still declared that it saw no reason why a conciliatory spirit might not enable the two governments to overcome all obstacles; and the President trusted that, as that spirit actuated the United States, an amicable solution should not be considered hopeless.

One other subject of discussion between the United States and Great Britain had grown out of the attempt which the exigencies of the war in which she had been engaged with Russia induced her to make—to draw recruits from the United States. As this infringed municipal law, and was derogatory to the sovereignty of the United States, ordinary legal steps had been taken to arrest and punish parties concerned, and suitable representations were made to the British government. Thereupon it transpired, by the admission of that government, the attempt to draw recruits from the United States originated with it, or at least had its approval and sanction; but it also appeared that the public agents engaged in it had “stringent instructions” not to violate the municipal law of the United States.

The recommendation submitted to the preceding Congress for the appointment of a commission, in connection with Great Britain, to survey and establish the boundary line which divided the territory of Washington from contiguous British possessions, was again urged, inasmuch as there existed imminent danger of collision between the citizens of the former and the subjects of the latter government, by reason of the extent and importance of the country in dispute. The prospect of a speedy arrangement had contributed hitherto to induce on both sides forbearance to assert by force what each claims as right. Continuance of delay would but increase the dangers and difficulties of the controversy.

Misunderstanding existed as to the extent, character, and value of the proprietary rights of the Hudson's Bay Company, and the property of the Paget's Sound Agricultural Company, reserved in the treaty between the United States and Great Britain relative to the territory of Oregon. The President had reason to believe that a cession of the rights of both companies to the United States could be obtained on reasonable terms, and recommended the action of Congress.

The colony of Newfoundland having enacted the laws required by the Reciprocity Treaty, was placed on the same footing as the other British North American provinces. The commission which that treaty contemplated had been organised and had commenced its labours, but required further appropriations for the service of another season.

In pursuance of a resolution of the Senate of the United States, the

President had, on the 14th of April, 1855, given notice to Denmark of the intention of the United States to terminate the convention by which the Sound dues were collected. The exaction of these tolls was not justified by any principle of international law, and the right of Denmark to treat one of the great maritime highways of nations as a close sea ought not to be submitted to. The United States' government, on a former occasion, not unlike the present—in the case of the Barbary States—had signalised its determination to maintain the freedom of the seas and of the great natural channels of navigation. Although the manner of payment of the Sound dues differed from that of the tribute formerly conceded to the Barbary States, each was, in its origin, nothing but a tax on a common natural right, extorted by those who, at the time, were able to enforce, but now no longer possessed that power. Denmark, while resisting this conclusion, had offered to submit a proposition by which she would capitalise the Sound dues, in proportion to the maritime commerce of each, with all the governments interested. The United States had declined acceding to such an offer, but expressed a willingness to share liberally with other powers in compensating Denmark for any advantages which commerce should hereafter derive from expenditures made by her for the improvement and safety of the navigation of the Sound or Belts. Sundry documents relative to this matter were laid before Congress, and the President stated if satisfactory arrangements were not soon concluded, he would recommend such measures as were required to assert and secure the rights of the United States, so far as they were affected by the pretensions of Denmark.

The question that had been agitated between the United States and France, respecting the French consul at San Francisco, had been satisfactorily determined, and the relations of the two governments continued to be of the most friendly nature.

A question which had been pending for years with Greece, growing out of the sequestration of property of the American consul by the public authorities of that country, had been settled to the satisfaction of the party interested, and of both governments.

With Spain peaceful relations were still maintained. She had not only disavowed and disapproved the conduct of the officers who illegally seized and detained the steamer *Black Warrior* at Havana, but had also paid the sum claimed as indemnity by the citizens of the United States.

In consequence of a destructive hurricane which visited Cuba in 1844, the supreme authority of that island issued a decree permitting the importation, for the period of six months, of certain building materials and provisions free of duty, but revoked it when about half the period only had elapsed, to the injury of certain citizens of the United States, who had proceeded to act on the faith of that decree. The Spanish government, although heretofore refusing indemnification, had assented to it, promising payment as soon as the amount due could be ascertained.

Satisfaction claimed for the arrest and search of the steamer *El Dorado* had not been accorded, but there were reasons for believing it would be granted. That, and other cases, continued to be urged on the Spanish government, and the President had not abandoned the hope that some general arrangement would



be concluded with Spain that would either prevent the recurrence of difficulties in Cuba, or facilitate their speedy settlement should they occur.

The interposition of the government of the United States had been invoked by many of its citizens on account of injuries for which the Mexican Republic was responsible, but the President thought that some forbearance should be allowed to that government in consequence of its unhappy situation. If the revolutionary movements in that republic should end in a stable government, urgent appeals to its justice would then be made for redress.

The distracted internal condition of the state of Nicaragua had made it incumbent on the President to appeal to the good faith of the citizens of the United States to abstain from unlawful intervention in its affairs, and he had adopted preventive measures to the same end, which, on a similar occasion, had the best results, in reassuring the peace of the Mexican states of Sonora and Lower California.

A treaty of amity, commerce, and navigation, and for the surrender of fugitive criminals, with the kingdom of the Two Sicilies, a treaty of friendship, commerce, and navigation with Nicaragua, and a convention of commercial reciprocity with the Hawaiian kingdom, had been negotiated. The latter kingdom and the state of Nicaragua had also acceded to a declaration recognising, as international rights, the principles contained in the convention between the United States and Russia, of July 22, 1854.

The receipts into the Treasury during the fiscal year ending June 30, 1855, from all sources were 65,003,930 dollars; and the public expenditure for the same period, exclusive of payments on account of the public debt, amounted to 56,365,393 dollars. During the same period, the payments made in redemption of the public debt, including interest and premium, amounted to 9,844,528 dollars. The balance in the Treasury at the beginning of the fiscal year, July 1, 1855, was 18,931,976 dollars. The amount of the public debt at the commencement of the fiscal year, July 1, 1855, was 40,583,631 dollars.

The President was persuaded that it would be difficult to devise a system superior to that by which the fiscal business of the United States' government was then conducted. Notwithstanding the great number of public agents of collection and disbursement, it was believed that the checks and guards provided, including the requirement of monthly returns, rendered it scarcely possible for any considerable fraud on the part of those agents, or neglect involving hazard of serious public loss, to escape detection. The enactment of a law, declaring it felony on the part of public officers to insert false entries in their books of record or account, or to make false returns, and also requiring them, on the termination of their service, to deliver to their successors all books, records, and other objects of a public nature in their custody, formerly recommended by the President, was renewed. From the fact that, in chief part, the revenue of the United States was derived from duties on imposts, and as that revenue exceeded by many millions of dollars the amount needed for an economical administration of the government, the President suggested an early revision and reduction of the tariff.

The army had been actively engaged in defending the Indian frontier. The additional regiments authorised at the session 1854-5, had been recruited and

organised, and a large portion of the troops had already been sent to the field. The duties which had devolved on the military establishment had been satisfactorily performed, and the dangers and privations incident to the character of the service required had furnished additional evidence of their courage, zeal, and capacity to meet any requisition the country may make on them. The propriety of making provision, by a retired list, for disabled officers, and for increased compensation to the officers retained on the list for active duty, recommended in a previous Message, had been confirmed by experience gathered from events which had since transpired. The recommendations heretofore made for a partial reorganisation of the army were also renewed. The construction of the six steam frigates, for which appropriations had been made in the session 1854-5, had proceeded in the most satisfactory manner. Important as this addition to the naval service was, it was deemed inadequate to the protection of the extensive sea-coast and vast commercial interests of the United States; and the President recommended an appropriation for the construction of six steam sloops-of-war.

The gross expenditure of the Post-Office Department for the fiscal year ending June 30, 1855, was 9,968,342 dollars; and the gross receipts, 7,342,136 dollars; making an excess of expenditure over receipts of 2,626,206 dollars; the cost of mail transportation being 674,952 dollars greater than that of the preceding year. Much of this increase was ascribed to the large quantity of printed matter conveyed by the mails, either franked, or liable to no postage by law, or to very low rates of postage compared with that charged on letters, and to the great cost of mail service on railroads and by ocean service.

The aggregate amount of public land sold during the fiscal year ending June 30, 1855, located with military scrip or land-warrants, taken up under grants for roads, and selected as swamp lands by states, was 24,557,409 acres; of which the portion sold was 15,729,524 acres, yielding in receipts the sum of 11,485,380 dollars. In the same period of time, 8,723,854 acres had been surveyed, but in consideration of the quantity already subject to entry, no additional tracts had been brought into market.

The material and moral interests of the district of Columbia was specially commended to the care of Congress. The commissioners appointed to codify and revise the laws of that district had made such progress as to ensure its completion in the time prescribed by Congress.

The peace of the settlements in the territories of Oregon and Washington was disturbed by hostilities on the part of the Indians, with indications of extensive combinations of a hostile character among the tribes in that neighbourhood the more serious by reason of the undetermined foreign interests existing in those territories, to which the attention of Congress had already been invited.

In the territory of Kansas, the President stated, there had been acts prejudicial to good order; but neither obstruction to Federal, or organised resistance to territorial law, assuming the character of an insurrection, had taken place, which circumstances only justified the interposition of the Federal executive. He cherished the hope that the occurrence would be prevented by the sound sense of the people of that territory, inasmuch as by the organic law of the territory, while deporting themselves peacefully, they had the right to deter-



mine their own domestic institutions, without interference on the part of the citizens of any of the states. The southern boundary line of that territory had never been surveyed and established. The rapidly-extending settlements in that region, and the fact that the main route between Independence, in the state of Missouri, and New Mexico, was contiguous to that line, suggested the probability that embarrassing questions of jurisdiction might consequently arise. For these and other considerations, the President commended this subject to the early attention of Congress.

The President remarked that he had passed in review the general state of the Union in its foreign or domestic relation. That such subjects of political agitation as had occupied the public mind were, to a great extent, exaggeration of inevitable evils, or over-zeal in social improvement, or mere imagination of grievance, having but remote connection with any of the constitutional functions or duties of the Federal government. To whatever extent these questions menaced the stability of the constitution, or the integrity of the Union, and no further, they demanded the consideration of the executive, and required presentation by him to Congress.

The President then entered upon the consideration of the great doctrine of "State Rights," which, properly understood, affords a clue to the origin of all the existing troubles of the Republic, and to the growth of the differences which produced, as a necessary consequence, the civil war that has since devastated the land. He stated the origin of the Thirteen Colonies, their assumption of the powers and rights of absolute self-government; in the language of the Declaration of Independence, each state had "full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do;" and continued, "when the confederated states found it convenient to modify the conditions of their association, by giving to the general government direct access in some respects to the people of the states; instead of confining it to action in the states as such, they proceeded to frame the existing constitution, adhering steadily to one guiding thought, which was, to delegate only such power as was necessary and proper to the execution of specific purposes, or, in other words, to retain as much as possible, consistently with those purposes, of the independent powers of the individual states. For objects of common defence and security, they intrusted to the general government certain carefully-defined functions, leaving all others as the undelegated rights of the separate independent sovereignties. . . . . Our co-operative action rested in the conditions of permanent confederation prescribed by the constitution. Our balance of power was in the separate reserved rights of the states, and their equal representation in the Senate. That independent sovereignty in every one of the states, with its reserved rights of local self-government assured to each by their co-equal power in the Senate, was the fundamental condition of the constitution. Without it the Union would never have existed. . . . . In a word, the original states went into this permanent league on the agreed premises of exerting their common strength for the defence of the whole and of all its parts, but of utterly excluding all capability of reciprocal aggression. Each solemnly bound itself to all the others, neither to undertake, nor permit any encroachment upon, or

intermeddling with, another's reserved rights. Where it was deemed expedient, particular rights of the states were expressly guaranteed by the constitution; but in all things besides, these rights were guarded by the limitation of the powers granted, and by express reservation of all powers not granted, in the compact of union. Thus, the great power of taxation was limited to purposes of common defence and general welfare, excluding objects appertaining to the local legislation of the several states; and those purposes of general welfare and common defence were afterwards defined by specific enumeration, as being matters only of co-relation between the states themselves, or between them and foreign governments, which, because of their common and general nature, could not be left to the separate control of each state.

"Of the circumstances of local condition, interest, and rights, in which a portion of the states, constituting one great section of the Union, differed from the rest, and from another section, the most important was the peculiarity of a larger relative coloured population in the Southern than in the Northern states.

"A population of this class, held in subjection, existed in nearly all the states, but was more numerous and of more serious concernment in the South than in the North, on account of natural differences of climate and production; and it was foreseen that, for the same reasons, while this population would diminish, and, sooner or later, cease to exist in some states, it might increase in others. The peculiar character and magnitude of this question of local rights, not in material relations only, but still more in social ones, caused it to enter into the special stipulations of the constitution.

"Hence, while the general government, as well by the enumerated powers granted to it, as by those not enumerated, and therefore refused to it, was forbidden to touch this matter in the sense of attack or offence; it was placed under the general safeguard of the Union, in the sense of defence against either invasion or domestic violence, like all other local interests of the several states. Each state expressly stipulated, as well for itself as for each and all of its citizens, and every citizen of each state became solemnly bound by his allegiance to the constitution, that any person held to service or labour in one state, escaping into another, should not, in consequence of any law or regulation thereof, be discharged from such service or labour, but should be delivered up on claim of the party to whom such service or labour might be due by the laws of his state.

"Thus, and thus only, by the reciprocal guaranty of all the rights of every state against interference on the part of another, was the present form of government established by the fathers of the Republic, and transmitted to the citizens of the United States; and by no other means was it possible for it to exist. If one state ceases to respect the rights of another, and obtrusively intermeddles with its local interests; if a portion of the states assume to impose their institutions on the others, or refuse to fulfil their obligations to them,—we are no longer united friendly states, but distracted hostile ones, with little capacity left of common advantage, but abundant means of reciprocal injury and mischief. Practically, it is immaterial whether aggressive interference between the states, or deliberate refusal on the part of any one of them to comply with constitutional obligations, arise from erroneous conviction or



blind prejudice, whether it be perpetrated by direction or indirection. In either case, it is full of threat and of danger to the durability of the Union.

"Enjoined by the constitution," said the President, "to give information to Congress on the state of the Union, it would be palpable neglect of duty on his part to pass over a subject like this, which beyond all things vitally concerned individual and public security.

"It had been matter of painful regret to see the states conspicuous for their services in founding this Republic, and equally sharing its advantages, disregarding their constitutional obligations to it. Although conscious of their inability to heal admitted and palpable social evils of their own, and which are completely within their jurisdiction, they engage in the offensive and hopeless undertaking of reforming the domestic institutions of other states wholly beyond their control and authority. In the vain pursuit of ends, by them entirely unattainable, and which they may not legally attempt to compass, they peril the very existence of the constitution, and all the countless benefits which it has conferred. While the people of the Southern states confine their attention to their own affairs, not presuming officiously to intermeddle with the social institutions of the Northern states, too many of the inhabitants of the latter are permanently organised in association to inflict injury on the former, by wrongful acts, which would be cause of war as between foreign powers, and only fail to be such in our system because perpetrated under cover of the Union.

"Is it possible to present this subject, as truth and the occasion required, without noticing the reiterated, but groundless allegation, that the South had persistently asserted claims and obtained advantages in the practical administration of the general government to the prejudice of the North, and in which the latter had acquiesced? That is, the states which either promote or tolerate attacks on the rights of persons and of property in other states, to disguise their own injustice, pretend or imagine, and constantly aver, that they whose constitutional rights are thus systematically assailed are themselves the aggressors. This imputed aggression, resting, as it does, only in the vague declamatory charges of political agitators, resolves itself into misapprehension, or misinterpretation of the principles and facts of the political organisation of the new territories of the United States.

"What is the voice of history? When the ordinance, which provided for the government of the territory north-west of the river Ohio, and for its eventual subdivision into new states, was adopted in the Congress of the confederation, it is not to be supposed that the question of future relative power as between the states which retained and those which did not retain a numerous coloured population, escaped notice or failed to be considered. And yet the concession of that vast territory to the interests and opinions of the Northern states, a territory now the seat of five among the largest members of the Union, was, in great measure, the act of the state of Virginia and of the South

"When Louisiana was acquired by the United States, it was an acquisition not less to the North than to the South; for while it was important to the country at the mouth of the river Mississippi to become the emporium of the country above it, so also it was even more important to the whole Union to have that emporium; and although the new province, by reason of its imperfect

settlement, was mainly regarded as on the Gulf of Mexico, yet, in fact, it extended to the opposite boundaries of the United States, with far greater breadth above than below, and was in territory, as in everything else, equally at least an accession to the Northern states. It is mere delusion and prejudice, therefore, to speak of Louisiana as an acquisition in the special interest of the South.

"The patriotic and just men who participated in that act were influenced by motives far above all sectional jealousies. It was in truth the great event which, by completing for the United States the possession of the valley of the Mississippi, with commercial access to the Gulf of Mexico, imparted unity and strength to the whole confederation, and attached together by indissoluble ties the East and the West, as well as the North and the South.

"As to Florida, that was but the transfer by Spain to the United States of territory on the east side of the river Mississippi, in exchange for large territory which the United States transferred to Spain on the west side of that river, as the entire diplomatic history of the transaction serves to demonstrate. Moreover, it was an acquisition demanded by the commercial interests and the security of the whole Union.

"Among the evanescent controversies of that period, the most conspicuous was the question of regulation by Congress of the social condition of the future states to be founded in the territory of Louisiana.

"The ordinance for the government of the territory north-west of the river Ohio had contained a provision which prohibited the use of servile labour therein, subject to the condition of the extraditions of fugitives from service due in any other part of the United States. Subsequently to the adoption of the constitution, this provision ceased to remain as a law; for its operation as such was absolutely superseded by the constitution. But the recollection of the fact excited the zeal of social propagandism in some sections of the confederation; and when a second state, that of Missouri, came to be formed in the territory of Louisiana, proposition was made to extend to the latter territory the restriction originally applied to the country situated between the rivers Ohio and Mississippi.

"Most questionable as was this proposition in all its constitutional relations, nevertheless it received the sanction of Congress, with some slight modifications of line, to save the existing rights of the intended new state. It was reluctantly acquiesced in by Southern states as a sacrifice to the cause of peace and of the Union, not only of the rights stipulated by the treaty of Louisiana, but of the principle of equality among the states guaranteed by the constitution. It was received by the Northern states with angry and resentful condemnation and complaint, because it did not concede all which they had exactly demanded. Having passed through the forms of legislation, it took its place in the statute book, standing open to repeal, like any other Act of doubtful constitutionality, subject to be pronounced null and void by the courts of law, and possessing no possible efficacy to control the rights of the states which might thereafter be organised out of any part of the original territory of Louisiana.

"In all this, if any aggression there were, any innovation upon pre-existing rights, to which portion of the Union are they justly chargeable ?



"This controversy passed away with the occasion, nothing surviving it save the dormant letter of the statute.

"But, long afterwards, when, by the proposed accession of the republic of Texas, the United States were to take their next step in territorial greatness, a similar contingency occurred, and became the occasion for systematised attempts to intervene in the domestic affairs of one section of the Union, in defiance of their rights as states, and of the stipulations of the constitution. These attempts assumed a practical direction, in the shape of persevering endeavours by some of the representatives in both houses of Congress to deprive the Southern states of the supposed benefit of the provisions of the Act authorising the organisation of the state of Missouri.

"But the good sense of the people, and the vital force of the constitution, triumphed over sectional prejudice and the political errors of the day, and the state of Texas returned to the Union as she was, with social institutions which her people had chosen for themselves, and with express agreement, by the Reannexing Act, that she should be susceptible of subdivision into a plurality of states.

"Whatever advantage the interests of the Southern states, as such, gained by this, were far inferior in results, as they unfolded in the progress of time, to those which sprang from previous concessions made by the South.

"To every thoughtful friend of the Union—to the true lovers of their country—to all who longed and laboured for the full success of this great experiment of republican institutions, it was cause of gratulation that such an opportunity had occurred to illustrate the advancing power on this continent of the American confederacy, and to furnish to the world additional assurance of the strength and stability of the constitution. Who would wish to see Florida still an European colony? Who would rejoice to hail Texas as a lone star, instead of one of the galaxy of States? Who does not appreciate the incalculable benefits of the acquisition of Louisiana? And yet narrow views and sectional purposes would inevitably have excluded them all from the Union.

"But another struggle on the same point ensued, when the victorious armies of the United States returned from Mexico, and it devolved on Congress to provide for the territories acquired by the Treaty of Guadalupe Hidalgo. The great relations of the subject had now become distinct and clear to the perception of the public mind, which appreciated the evils of sectional controversy upon the question of the admission of new states. In that crisis intense solicitude pervaded the nation. But the patriotic impulses of the popular heart, guided by the admonitory advice of the Father of his country, rose superior to all the difficulties of the incorporation of a new empire into the Union. In the councils of Congress there was manifested extreme antagonism of opinion and action between some representatives, who sought by the abusive and unconstitutional employment of the legislative powers of the government to interfere in the condition of the inchoate states, and to impose their own social theories upon the latter, and other representatives, who repelled the interposition of the general government in this respect, and maintained the self-constituting rights of the states. In truth, the thing attempted was, in form alone, action of the general government, while in reality it was the endeavour, by abuse of legislative

power, to force the ideas of internal policy entertained in particular states upon allied independent states. Once more the constitution and the Union triumphed signally. The new territories were organised without restrictions on the disputed point, and were thus left to judge in that particular for themselves; and the sense of constitutional faith proved vigorous enough in Congress not only to accomplish this primary object, but also the incidental and hardly less important one of so amending the provisions of the statute for the extradition of fugitives from service, as to place that public duty under the safeguard of the general government, and thus relieve it from obstacles raised up by the legislation of some of the states.

“Vain declamation regarding the provisions of law for the extradition of fugitives from service, with occasional episodes of frantic effort to obstruct their execution, by riot and murder, continued, for a brief time, to agitate certain localities. But the true principle, of leaving each state and territory to regulate its own laws of labour according to its own sense of right and expediency, had acquired fast hold of the public judgment, to such a degree, that, by common consent, it was observed in the organisation of the territory of Washington.

“When, more recently, it became requisite to organise the territories of Nebraska and Kansas, it was the natural and legitimate, if not the inevitable, consequence of previous events and legislation, that the same great and sound principle, which had already been applied to Utah and New Mexico, should be applied to them—that they should stand exempt from the restrictions proposed in the Act relative to the state of Missouri.

“These restrictions were, in the estimation of many thoughtful men, null from the beginning, unauthorised by the constitution, contrary to the treaty stipulations for the cession of Louisiana, and inconsistent with the equality of these states.

“They had been stripped of all moral authority, by persistent efforts to procure their indirect repeal through contradictory enactments. They had been practically abrogated by the legislation attending the organisation of Utah, New Mexico, and Washington. If any vitality remained in them, it would have been taken away, in effect, by the new territorial acts, in the form originally proposed to the Senate at the first session of the last Congress. It was manly and ingenuous, as well as patriotic and just, to do this directly and plainly, and thus relieve the statute book of an Act which might be of possible future injury, but of no possible future benefit; and the measure of its repeal was the final consummation and complete recognition of the principle, that no portion of the United States shall undertake, through assumption of the powers of the general government, to dictate the social institutions of any other portion.

“The scope and effect of the language of repeal were not left in doubt. It was declared, in terms, to be ‘the true intent and meaning of this Act not to legislate slavery into any territory or state, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States.’

“The measure could not be withstood upon its merits alone. It was attacked with violence on the false or delusive pretext that it constituted a breach of



faith. Never was objection more utterly destitute of substantial justification. When before was it imagined by sensible men that a regulative or declarative statute, whether enacted ten or forty years ago, is irrevocable—that an Act of Congress is above the constitution? If, indeed, there were in the facts any cause to impute bad faith, it would attach to those only who have never ceased, from the time of the enactment of the restrictive provision to the present day, to denounce and condemn it; who have constantly refused to complete it by needful supplementary legislation; who have spared no exertion to deprive it of moral force; who have themselves again and again attempted its repeal by the enactment of incompatible provisions; and who, by the inevitable reactionary effect of their own violence on the subject, awakened the country to perception of the true constitutional principle of leaving the matter involved to the discretion of the people of the respective existing or incipient states.

“It is not pretended that this principle, or any other, precludes the possibility of evils in practice, disturbed as political action is liable to be by human passions. No form of government is exempt from inconveniences; but in this case they are the result of the abuse, and not of the legitimate exercise, of the powers reserved or conferred in the organisation of a territory. They are not to be charged to the great principle of popular sovereignty: on the contrary, they disappear before the intelligence and patriotism of the people, exerting through the ballot-box their peaceful and silent but irresistible power.

“If the friends of the constitution are to have another struggle, its enemies could not present a more acceptable issue than that of a state, whose constitution clearly embraces ‘a republican form of government,’ being excluded from the Union, because its domestic institutions may not in all respects comport with the ideas of what is wise and expedient entertained in some other state. Fresh from groundless imputations of breach of faith against others, men will commence the agitation of this new question with indubitable violation of an express compact between the independent sovereign powers of the United States and of the republic of Texas, as well as of the older and equally solemn compacts which assure the equality of all the states.

“But, deplorable as would be such a violation of compact in itself, and in all its direct consequences, that is the very least of the evils involved. When sectional agitators shall have succeeded in forcing on this issue, can their pretensions fail to be met by counter pretensions? Will not different states be compelled, respectively, to meet extremes with extremes? And if either extreme carry its point, what is that so far forth but dissolution of the Union? If a new state, formed from the territory of the United States, be absolutely excluded from admission therein, the fact of itself constitutes the disruption of union between it and the other states. But the process of dissolution could not stop there. Would not a sectional decision, producing such result by a majority of votes, either Northern or Southern, of necessity drive out the oppressed and aggrieved minority, and place in presence of each other two irreconcilably hostile confederations?

“It was necessary to speak thus plainly of projects, the offspring of that sectional agitation prevailing in some of the states, which were as impracticable as they were unconstitutional, and which, if persevered in, must and will end

calamitously. It was either disunion and civil war, or mere angry, idle, aimless disturbance of public peace and tranquillity. Disunion for what? If the passionate rage of fanaticism and partisan spirit did not force the fact upon our attention, it would be difficult to believe that any considerable portion of the people of this enlightened country could have so surrendered themselves to a fanatical devotion to the supposed interests of the relatively few Africans in the United States, as totally to abandon and disregard the interests of the twenty-five millions of Americans; to trample under foot the injunctions of moral and constitutional obligation, and to engage in plans of vindictive hostility against those who are associated with them in the enjoyment of the common heritage of our national institutions.

“Nor is it hostility against their fellow-citizens of one section of the Union alone. The interests, the honour, the duty, the peace, and the prosperity of the people of all sections are equally involved and imperilled in this question. And are patriotic men in any part of the Union prepared, on such issue, thus madly to invite all the consequences of the forfeiture of their constitutional engagements?”

In conclusion the President avowed his reliance “on the patriotism of the people, on the dignity and self-respect of the states, on the wisdom of Congress, and above all, on the continued gracious favour of Almighty God, to maintain, against all enemies, whether at home or abroad, the sanctity of the constitution and the integrity of the Union.”

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## CHAPTER V.

LEGISLATION IN CONGRESS.—AFFAIRS IN KANSAS.—EXTRA SESSION OF CONGRESS.—DISPUTE WITH GREAT BRITAIN.—COMPLAINTS AGAINST SPAIN.—REPORT OF THE OSTEND CONFERENCE.—ELECTION OF PRESIDENT AND VICE-PRESIDENT.

DURING the first session of the thirty-fourth Congress (1855-56), there were passed seventy-seven public and one hundred private Acts; twelve public and six private Resolutions. By an Act relating to the pay of members of Congress, the salary of members of Congress was fixed at 3,000 dollars per annum; the Speaker of the House to receive double pay; and the President of the Senate *pro tem.* that to which the Vice-President would have been entitled (8,000 dollars per annum).

Pay was to be deducted for each day of absence, unless the absentee pleaded sickness of himself or family. The price of books received under resolution of Congress was to be deducted from the members' pay, except such books as were printed by Congress during his term of office. It had been the practice to allow every new member copies of the back numbers of works which had been printed by Congress, such as United States Statutes at large, Madison Papers, &c. &c.;



latterly it had amounted to a bonus of about 1,200 dollars. The Act applied to the then Congress; and all inconsistent Acts were repealed.

The copyright of dramatic composition was extended over the performances thereof, with a penalty not less than 100 dollars for the first, and 50 dollars for each subsequent unauthorised performance. Rights acquired before taking out copyright, and the author's right to process in equity, were to remain intact.

Concerning unoccupied guano islands, not belonging to other countries, which might be discovered by American citizens, Congress enacted that they should be regarded as belonging to the United States, and the discoverer, at the pleasure of Congress, should be allowed the right of occupying such islands, and of selling the guano to citizens of the United States, for use in the United States exclusively. He might charge for the best quality 4 dollars per ton at the place of deposit, or 8 dollars per ton delivered at the vessel. The transportation of such guano to be regulated according to the laws relating to the coasting trade. Until otherwise provided, the laws pertaining to merchant ships on the high seas shall govern these islands. The President might employ the military power to protect the right of a discoverer, and the United States could abandon such islands after the removal of the guano.

An Act relating to the boundary with British possessions provided for the appointment of a commission in conformity with the Treaty of June 15, 1846. Its proceedings were limited to settling the line of boundary between Washington territory and the British possessions.

By various Acts, grants of land for constructing railroads were made to the states of Iowa, Florida, Alabama, Louisiana, Wisconsin, Michigan, and Mississippi, of alternate sections for six sections in width on each side of the railways. The United States were to use the roads free of charge, for the transportation of property or troops, and to transport the mails thereon at a price to be fixed by Congress.

In August, 1856, just previous to the adjournment of Congress, the House of Representatives made an amendment to the Army Appropriation Bill as follows:—"provided no part of the army should be employed to enforce the laws made by the territorial legislature of Kansas until Congress should have decided that it was a valid legislative assembly." The Senate refused to concur in the amendment, and Congress adjourned without making any appropriation for the army.

The ostensible object of the amendment was to paralyse the arm of the executive; but, in effect, it was to prevent the suppression of a civil war in Kansas which had been inaugurated by the leaders of the Anti-Slavery party. These leaders, keeping themselves out of danger, had, by emigrant-aid societies in New England and New York, sent out to Kansas regiments of desperadoes, recruited in the purlieus of Boston and New York, leavened by fanatical dupes (who had been taught to believe that the constitution of the United States was "a league with Death and a covenant with Hell"), to give sanctity to the mass. These desperadoes and fanatical dupes, armed with Sharpe's rifles, and bowie-knives and revolvers, under the pretence of conquering freedom for Kansas, were intended for the purpose of revolutionising the government.

As soon as the Congress adjourned, the President issued his proclamation,

calling an extra session, to meet in three days after its date, viz., on the 21st August, 1856. This Congress, which was the second session of the thirty-fourth, remained in session ten days, passed three public and twenty-seven private Acts, and four public Resolutions. The only important public Act was that of the Army Appropriation Bill, for which object alone it was convened.

Of the public Resolutions, two only were of any importance. The one was a resolution authorising the purchase, thorough refitment, and restoration to the British government, of the ship *Resolute* (late of the navy of her Britannic Majesty, which had been on service in search of Sir John Franklin), rescued and recovered by the American whale-ship *George Henry*, after having been necessarily abandoned in the ice by her officers and crew, and after having drifted for more than a thousand miles from the place where so abandoned, the vessel having been generously relinquished to her salvors by her Majesty's government. The other authorised Surgeon Thomas Williamson and Passed Assistant-Surgeon James F. Harrison each to receive a gold medal presented them by the Emperor of the French; and Lieut. M. F. Maury gold medals awarded him by the governments of Prussia and Holland, and by the republic of Bremen.

Circumstances occurred about this time which, temporarily, seriously disturbed the harmony between the governments of the United States and Great Britain. Enlistments of recruits for the British army in the Crimea were made secretly, under the sanction of Mr. Crampton, the British minister to the United States. His recall was demanded by the President. This was refused. Whereupon the President not only dismissed the British minister, but the British consuls at New York, Philadelphia, and Cincinnati, who were supposed or charged to be implicated in the transaction.

Various causes of complaint had arisen on the part of the United States against Spain, and, at last, one of the merchant and mail steamers, the *Black Warrior*, was fired into by a Spanish war steamer on the coast of Cuba.

President Pierce thought the opportunity had arrived for settling all difficulties at once, by a proposal to purchase from her the Island of Cuba at a price which no other nation but the United States would be willing to pay for it, and which would enable Spain to extricate herself from her financial embarrassments.

This delicate negociation was confided to the Hon. Pierre Soulé, of Louisiana, then United States' minister to the court of Madrid. But the fact being known that Spain, since 1830 (the period of the quadruple alliance between her and the powers of France, England, and Portugal), had to consult these powers in all important matters affecting her internal or external policy, the President thought it advisable that the United States' ministers at the courts of England and France (Messrs. Buchanan and Mason) should act in concert with Mr. Soulé. These ministers therefore met, first at Ostend, in Belgium, and then at Aix-la-Chapelle, in Prussia. They kept written minutes of their proceedings for the purpose of future reference, and for the information of their government at home. Afterwards, a document was drawn up by the ministers, containing their views on the question, historically known as the "Ostend Conference," which was forwarded to the President of the United States.

The ministers' report was as follows:—

"There has been a full and unreserved interchange of views and sentiments



between us, which we are most happy to inform you has resulted in a cordial coincidence of opinion on the grave and important subjects submitted to our consideration.

"We have arrived at the conclusion, and are thoroughly convinced, that an immediate and earnest effort ought to be made by the government of the United States to purchase Cuba from Spain at any price for which it can be obtained, not exceeding the sum of — dollars.\*

"The proposal should, in our opinion, be made in such a manner as to be presented through the necessary diplomatic forms to the Supreme Constituent Cortes about to be assembled. On this momentous question, in which the people both of Spain and the United States are so deeply interested, all our proceedings ought to be open, frank, and public. They should be of such a character as to challenge the approbation of the world.

"We firmly believe that, in the progress of human events, the time has arrived when the vital interests of Spain are as seriously involved in the sale as those of the United States in the purchase of the island; and that the transaction will prove equally honourable to both nations.

"Under these circumstances, we cannot anticipate a failure, unless possibly through the malign influence of foreign powers, who possess no right whatever to interfere in the matter.

"We proceed to state some of the reasons which have brought us to the conclusion; and for the sake of clearness, we shall specify them under two distinct heads.

"*First*—The United States ought, if practicable, to purchase Cuba with as little delay as possible.

"*Second*—The probability is great that the government and Cortes of Spain will prove willing to sell it, because this would essentially promote the highest and best interests of the Spanish people.

"It must be clear to every reflecting mind, that from the peculiarity of its geographical position, and the considerations attendant on it, Cuba is as necessary to the North American Republic as any of its present members, and that it belongs naturally to that great family of states of which the Union is the providential nursery.

"From its locality, it commands the mouth of the Mississippi, and the immense annually increasing trade which must seek this avenue to the ocean. On the numerous navigable streams, measuring an aggregate course of some thirty thousand miles, which disembogue themselves through this magnificent river into the Gulf of Mexico, the increase of the population during the last ten years amounts to more than that of the entire Union at the time Louisiana was annexed to it.

"The natural and main outlet to the products of this entire population, the highway of their direct intercourse with the Atlantic and the Pacific states, can never be secure, but must ever be endangered, while Cuba is a dependency of a distinct power, in whose possession it has proved to be a source of constant annoyance and embarrassment to their interests.

\* The maximum was understood to be 120,000,000 dollars.

"Indeed, the Union can never enjoy repose, nor possess reliable security, as long as Cuba is not embraced within its boundaries.

"Its immediate acquisition by our government is of paramount importance, and we cannot doubt but that it is a consummation devoutly wished for by its inhabitants.

"The intercourse which its proximity to our coasts begets and encourages between the citizens of the United States has, in the progress of time, so united their interests, and blended their fortunes, that they now look upon each other as if they were one people, and had but one destiny.

"Considerations exist which render delay in the acquisition of this island exceedingly dangerous to the United States.

"The system of immigration and labour lately organised within its limits, and the tyranny and oppression which characterise its immediate rulers, threaten an insurrection at every moment, which may result in direful consequences to the American people.

"Cuba has thus become to us an unceasing danger, and a permanent cause of anxiety and alarm.

"But we need not enlarge on these topics. It can scarcely be apprehended that foreign powers, in violation of international law, would interpose their influence with Spain to prevent our acquisition of the island. Its inhabitants are now suffering under the worst of all possible governments—that of absolute despotism, delegated by a distant power to irresponsible agents, who are changed at short intervals, and who are tempted to improve the brief opportunity thus afforded to accumulate fortunes by the basest means.

"As long as this system shall endure, humanity may in vain demand the suppression of the African slave trade in the island. This is rendered impossible while that infamous traffic remains an irresistible temptation and a source of immense profit to needy and avaricious officials, who, to attain their end, scruple not to trample the most sacred principles under foot.

"The Spanish government at home may be well disposed, but experience has proved that it cannot control these remote depositories of its power.

"Besides, the commercial nations of the world cannot fail to perceive and appreciate the great advantages which would result to their people from a dissolution of the forced and unnatural connection between Spain and Cuba, and the annexation of the latter to the United States. The trade of England and France with Cuba would, in that event, assume at once an important and profitable character, and rapidly extend with the increasing population and prosperity of the island.

"But if the United States and every commercial nation be benefited by this transfer, the interests of Spain would also be greatly and essentially promoted. She cannot but see what such a sum of money as we are willing to pay for the island would effect in the development of her vast natural resources.

"Two-thirds of this sum, if employed in the construction of a system of railroads, would ultimately prove a source of greater wealth to the Spanish people than that opened to their vision by Cortes. Their prosperity would date from the ratification of the treaty of cession. France has already constructed continuous lines of railroads from Havre, Marseilles, Valenciennes, and Stras-



bourg, *via* Paris, to the Spanish frontier, and anxiously awaits the day when Spain shall find herself in a condition to extend these roads through her northern provinces to Madrid, Seville, Cadiz, Malaga, and the frontier of Portugal.

"This object once accomplished, Spain would become a centre of attraction for the travelling world, and secure a permanent and profitable market for her various productions. Her fields, under the stimulus given to industry by remunerating prices, would team with cereal grain, and her vineyards would bring forth a vastly increased quantity of choice wines. Spain would speedily become what a bountiful Providence intended she should be—one of the first nations of continental Europe, rich, powerful, and contented.

"Whilst two-thirds of the price of the island would be ample for the completion of her most important public improvements, she might, with the remainder, satisfy the demands now pressing so heavily upon her credit, and create a sinking fund which would gradually relieve her from the overwhelming debt now paralysing her energies.

"Such is her present wretched financial condition, that her best bonds are sold upon her own bourse at about one-third of their par value, whilst another class on which she pays no interest have but a nominal value, and are quoted at about one-sixth of the amount for which they were issued.

"Besides, these latter are held principally by British creditors, who may, from day to day, obtain the effective interposition of their own government for the purpose of coercing payment. Intimidations to that effect have been already thrown out from high quarters, and unless some new source of revenue shall enable Spain to provide for such exigencies, it is not improbable that they may be realised.

"Should Spain reject the present golden opportunity for developing her resources, and removing her present financial embarrassments, it may never again return.

"Cuba, in her palmiest days, never yielded her exchequer, after deducting the expenses of its government, a clear annual income of more than 1,500,000 dollars. These expenses have increased to such a degree as to leave a deficit chargeable on the treasury of Spain to the amount of 600,000 dollars.

"In a pecuniary point of view, therefore, the island is an encumbrance instead of a source of profit to the mother country.

"Under no probable circumstances can Cuba ever yield to Spain one per cent. on the large amount which the United States are willing to pay for its acquisition.

"But Spain is in imminent danger of losing Cuba without remuneration.

"Extreme oppression, it is now universally admitted, justifies any people in endeavouring to relieve themselves from the yoke of their oppressors.

"The sufferings which the corrupt, arbitrary, and unrelenting local administration necessarily entails upon the inhabitants of Cuba, cannot fail to stimulate and keep alive that spirit of resistance and revolution against Spain which has of late years been so often manifested. In this condition of affairs, it is vain to expect that the sympathies of the people of the United States will not be warmly enlisted in favour of their oppressed neighbours.

"We know that the President is justly inflexible in his determination to

execute the neutrality laws, but should the Cubano themselves rise in revolt against the oppression which they suffer, no human power could prevent citizens of the United States, and liberal-minded men of other countries, from rushing to their assistance. Besides, the present is an age of adventure, in which restless and daring spirits abound in every portion of the world. It is not improbable, therefore, that Cuba may be wrested from Spain by a successful revolution, and in that event, she will not only lose the island, but the price which we are now willing to pay for it—a price far beyond what was ever paid by any one people to another for any province.

“It may, also, be here remarked, that the settlement of this vexed question, by the cession of Cuba to the United States, would for ever prevent the dangerous complications between nations to which it may otherwise give birth.

“It is certain that, should the Cubans themselves organise an insurrection against the Spanish government, and should other independent nations come to the aid of Spain in the contest, no human power could, in our opinion, prevent the people and government of the United States from taking part in such civil war, in support of their neighbours and friends.

“But if Spain, deaf to the voice of her own interest, and actuated by stubborn pride and a false sense of honour, should refuse to sell Cuba to the United States, then the question will arise—What ought to be the course of the American government under such circumstances?

“Self-preservation is the first law of nature with states, as well as with individuals. All nations have at different periods acted upon this maxim. Although it has been made the pretext for committing flagrant injustice, as in the partition of Poland, and other similar cases which history records, yet the principle itself, though often abused, has always been recognised.

“The United States have never acquired a foot of territory except by fair purchase, or, as in the case of Texas, upon the free and voluntary application of the people of that independent state, who desired to blend their destinies with our own. Even our acquisitions from Mexico are no exception to the rule, because, although we might have claimed them by the right of conquest, in a just way, yet we purchased them for what was then considered by both parties a full and ample equivalent. Our past history forbids that we should acquire the Island of Cuba without the consent of Spain, unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude and our own self-respect. Whilst pursuing this course, we can afford to disregard the censures of the world to which we have been so often and so unjustly exposed. After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question—Does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union? Should this question be answered in the affirmative, then by every law, human and divine, we shall be justified in wresting it from Spain, if we possess the power. And this upon the very same principle that would justify an individual in tearing down the burning house of his neighbour, if there were no other means of preventing the flames from destroying his own home. Under such circumstances we ought neither to count the cost nor regard the odds which Spain might enlist against



us. We forbear to enter into the question whether the present condition of the island would justify such a measure. We should, however, be recreant to our duty, be unworthy of our gallant forefathers, and commit base treason against our posterity, should we permit Cuba to be Africanised and become a second St. Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our neighbouring shores, seriously to endanger or actually to consume the fair fabric of our Union. We fear that the course and current of events are rapidly tending toward such a catastrophe. We, however, hope for the best, though we ought certainly to be prepared for the worst.

"We forbear also to investigate the present condition of the question at issue between the United States and Spain. A long series of injuries to our people have been committed in Cuba by Spanish officials, and are unredressed; but recently a most flagrant outrage on the rights of American citizens, and on the flag of the United States, was perpetrated in the harbour of Havana, under circumstances which, without immediate redress, would have justified a resort to measures of war in vindication of national honour. That outrage is not only unatoned, but the Spanish government has deliberately sanctioned the acts of its subordinates, and assumed the responsibility attaching to them. Nothing could more impressively teach us the danger to which those peaceful relations it has ever been the policy of the United States to cherish with foreign nations are constantly exposed, than the circumstances of that case—situated as Spain and the United States are, the latter having forborne to resort to extreme measures. But this course cannot, with due regard to their own dignity as an independent nation, continue. And our recommendations now submitted are dictated by the firm belief that the cession of Cuba to the United States, with stipulations as beneficial to Spain as those suggested, is the only effectual mode of settling all past differences, and of securing the two countries against future collisions. We have already witnessed the happy results for both countries which followed a similar arrangement in regard to Florida."

The election for President and Vice-President, to serve four years, took place in November, 1856. There were three party organisations in the field. The Democratic party had nominated James Buchanan, of Pennsylvania, for President, and John C. Breckenridge, of Kentucky, for Vice-President. The Republican party had nominated John C. Frémont, of California, for President, and William L. Dayton, of New Jersey, for Vice-President. The American party nominated Millard Fillmore, of New York, for President, and Theodore Frelinghausen, sen., of New Jersey, for Vice-President.

The election terminated in the success of the Democratic party, and James Buchanan and John C. Breckenridge became President and Vice-President elect. The popular vote for President was as follows:—Buchanan, 1,834,337; Frémont, 1,341,812; Fillmore, 873,055. Total vote, 4,049,204, exclusive of South Carolina, whose electors were chosen by the legislature; but whose vote was for Buchanan. Buchanan carried fourteen out of the fifteen slave states; Fillmore carrying one—Maryland. Buchanan carried but five of the free states; Frémont carrying eleven out of the sixteen. The votes in the free states, for Buchanan, were, 1,224,750; Frémont, 1,340,648; Fillmore, 393,590. In the slave states, Buchanan had 609,587; Frémont, 1,194; Fillmore, 479,465.

## CHAPTER VI.

MEETING OF CONGRESS.—THE PRESIDENT'S MESSAGE.—NORTHERN AGGRESSION AND AGITATION.—  
 "SOUTHERN ENCROACHMENTS."—AFFAIRS IN KANSAS.—FINANCIAL STATEMENT.—DEPARTMENT OF  
 THE INTERIOR.—FOREIGN RELATIONS.—THE RECIPROCITY TREATY.—THE SOUND DUES.—NEUTRAL  
 COMMERCE.—CENTRAL AMERICAN AFFAIRS.—ACT OF CONGRESS.—THE ATLANTIC TELEGRAPH.—  
 REVIEW OF PIERCE'S ADMINISTRATION.

THE third session of the thirty-fourth Congress assembled at Washington on Monday, December 1, 1856. After the usual preliminaries, the President transmitted in writing his annual Message.

He commenced by stating that the internal prosperity of the United States in all branches of industry, its continuous and steady advancement in wealth and population, and in private as well as public well-being, attested the wisdom of American institutions. Since the preceding session of Congress, the people had been occupied with the election of, for another constitutional term, the President and Vice-President of the United States. In their political action and its results they had asserted the constitutional equality of each and all the states of the Union as states; and had condemned the organisation of mere geographical parties marshalling in hostile array towards each other the different parts of the country. Those parties under the shelter of the guarantees of the constitution, had formed associations in some of the states, and, under the pretence of preventing the spread of the institution of slavery into the present or inchoate states of the Union, were really inflamed with desire to change the domestic institutions of existing states. They sought an object they well knew was a revolutionary one; they knew that the change in the relative condition of the white and black races in the slave-holding states was beyond their lawful authority; that it could not be effected by any peaceful instrumentality of theirs; that for them, and the states of which they were citizens, the only path to its accomplishment was through burning cities, and ravaged fields, and slaughtered populations, and all that was most terrible in foreign, complicated with civil and servile war; and that the first step in the attempt would be the forcible disruption of a country embracing in its broad bosom a degree of liberty, and an amount of individual and public prosperity, to which there was no parallel in history, and substituting in its place hostile governments, driven at once and inevitably into mutual devastation and fratricidal carnage; transforming the once peaceful and felicitous brotherhood into a vast permanent camp of armed men. Well knowing the consequences of their plans and purposes, they had endeavoured to prepare the people of the United States for civil war, by depriving the constitution and the laws of moral authority; had undermined the fabric of the Union by the indoctrination of reciprocal hatred; and had educated them to stand face to face as enemies, rather than shoulder to shoulder as friends.

"Thus," the President continued, "in the progress of events, we had reached that consummation which the voice of the people had so pointedly rebuked, of the attempt of a portion of the states, by a sectional organisation and movement, to usurp the control of the government of the United States." He con-



fidently believed the great body of those who took this fatal step were sincerely attached to the constitution and the Union. They would, upon deliberation, shrink with unaffected horror from any conscious act of disunion or civil war. But they had entered into a path which leads nowhere, unless it be to civil war and disunion, and which had no other possible outlet. They had proceeded in a series of secondary issues, each of which professed to be confined within constitutional and peaceful limits, but which attempted indirectly what few men were willing to do directly—act aggressively against the constitutional rights of nearly one half of the thirty-one states.

The President then proceeded to state and to review the series of acts of indirect aggression. The first was the strenuous agitation, by citizens of the Northern states, in Congress and out of it, of the question of negro emancipation in the Southern states. The second, in the acts of the people of the Northern states, and in several instances of their governments, to facilitate the escape of persons held to service in the Southern states, and to prevent their extradition when reclaimed, according to law, and in virtue of express provisions of the constitution. The third was in connection with the organisation of territorial governments, and the admission of new states into the Union. On the third and last of these aggressions, the President stated that when it was proposed to admit the state of Maine, by separation of territory from that of Massachusetts, and the state of Missouri, formed of a portion of the territory ceded by France to the United States, representatives in Congress objected to the admission of the latter, unless with conditions suited to particular views of public policy. The imposition of such a condition was successfully resisted. But, at the same period, the question was presented of imposing restrictions upon the residue of the territory ceded by France. That question was, at the time, disposed of by the adoption of a geographical line of limitation. [The Missouri Compromise line of 1820.]

When France ceded Louisiana to the United States, the latter expressly engaged that “the inhabitants of the ceded territory should be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they should be maintained and protected in the free enjoyment of their *liberty, property*, and the religion which they profess.” That is to say, while it remained in a territorial condition its inhabitants were to be maintained and protected in the free enjoyment of their liberty and property, with a right then to pass into the condition of states on a footing of perfect equality with the original states.

The enactment which established the restrictive geographical line was acquiesced in rather than approved by the states of the Union. It stood on the statute book for a number of years, and the people of the respective states acquiesced in the re-enactment of the principle as applied to the state of Texas; and it was proposed to acquiesce in its further application to the territory acquired by the United States from Mexico. But this proposition was successfully resisted by the representatives from the Northern states, who, regardless of the statute line, insisted upon applying restriction to the new territory

generally, whether lying north or south of it, thereby repealing it as a legislative compromise, and, on the part of the North, persistently violating the compact, if compact there was. Thereupon this enactment ceased to have binding virtue in any sense, whether as respects the North or the South; and so in effect it was treated on the occasion of the admission of the state of California, and the organisation of the territories of New Mexico, Utah, and Washington.

Such was the state of the question when the time arrived for the organisation of the territories of Kansas and Nebraska. In the progress of constitutional inquiry and reflection, it had now at length come to be seen clearly that Congress did not possess constitutional power to impose restrictions of this character upon any present or future state of the Union. In a long series of decisions, on the fullest argument, and after the most deliberate consideration, the Supreme Court of the United States had finally determined this point, in every form under which the question could arise, whether as affecting public or private rights—in questions of the public domain, of religion, of navigation, and of servitude.

Still, continued the President, when a nominal restriction, already a dead letter in law, was in terms repealed by the Congress 1855-6, in a clause of the Act organising the territories of Kansas and Nebraska, that repeal was made the occasion of a widespread and dangerous agitation. It was alleged that the original enactment being a compact of perpetual moral obligation, its repeal constituted an odious breach of faith.

But if it had moral authority over men's consciences, to whom did this authority attach? Not to those of the North, who had repeatedly refused to confirm it by extension, and who had zealously striven to establish other and incompatible regulations upon the subject. And if it thus appears the supposed compact had no obligatory force as to the North, of course it could not have any as to the South; for all such compacts must be mutual and of reciprocal obligation.

In the above instance, a political enactment, which had ceased to have legal power or authority of any kind, was repealed. The position assumed, that Congress had no moral right to enact such repeal, was strange enough, and singularly so in view of the fact that the argument came from those who openly refused obedience to existing laws of the land, having the same popular designation and quality as compromise acts—nay, more, who unequivocally disregarded and condemned the most positive and obligatory injunctions of the constitution itself, and sought, by every means within their reach, to deprive a portion of their fellow-citizens of the equal enjoyment of those rights and privileges guaranteed alike to all by the fundamental compact of the Union.

This argument against the repeal of the statute line in question was accompanied by another of congenial character, and equally with the former destitute of foundation in reason and truth. It was imputed that the measure originated in the conception of extending the limits of slave-labour beyond those previously assigned to it, and that such was its natural as well as intended effect; and these baseless assumptions were made, in the Northern states, the ground of unceasing assault upon constitutional right.

Was it a fact, said the President, that, in all the unsettled regions of the United States, if emigration be left free to act in this respect for itself, without



legal prohibitions on either side, slave-labour will spontaneously go everywhere, in preference to free labour? Was it a fact, that the peculiar domestic institutions of the Southern states possess, relatively, so much of vigour, that, where-soever an avenue is freely open to all the world, they will penetrate, to the exclusion of those of the Northern states? Was it the fact, that the former enjoy, compared with the latter, such irresistibly superior vitality, independent of climate, soil, and all other accidental circumstances, as to be able to produce the supposed result, in spite of the assumed moral and natural obstacles to its accomplishment, and of the more numerous population of the Northern states?

The argument of those who advocate the enactment of new laws of restriction, and condemn the repeal of old ones, in effect avers that their particular views of government have no self-extending or self-sustaining power of their own, and will go nowhere unless forced by act of Congress. And if Congress do but pause for a moment in the policy of stern coercion; if it venture to try the experiment of leaving men to judge for themselves what institutions will best suit them; if it be not strained up to perpetual legislative exertion on this point; if Congress proceed thus to act in the very spirit of liberty, it is at once charged with aiming to extend slave-labour into all the new territories of the United States.

Of course these imputations on the intentions of Congress in this respect, conceived, as they were, in prejudice, and disseminated in passion, were utterly destitute of any justification in the nature of things, and contrary to all the fundamental doctrines and principles of civil liberty and self-government.

While, therefore, in general, the people of the Northern states had never, at any time, arrogated for the Federal government the power to interfere directly with the domestic condition of persons in the Southern states, but, on the contrary, had disavowed all such intentions, and had shrunk from conspicuous affiliation with those few who pursued their fanatical objects, avowedly through the contemplated means of revolutionary change of the government, and with acceptance of the necessary consequences—a civil and servile war—yet many citizens had suffered themselves to be drawn into one evanescent political issue of agitation after another, appertaining to the same set of opinions, and which subsided as rapidly as they arose when it came to be seen, as it uniformly did, that they were incompatible with the compacts of the constitution and the existence of the Union. Thus, when the acts of some of the states, to nullify the extradition law, imposed upon Congress the duty of passing a new one, the country was invited, by agitators, to enter into party organisation for its repeal; but that agitation speedily ceased by reason of the impracticability of its object. So, when the statute restriction upon the institutions of new states, by a geographical line, had been repealed, the country was urged to demand its restoration, and that project also died almost with its birth. Then followed the cry of alarm from the North against imputed Southern encroachments;\* which cry

\* A statement of the acquisition of territory by the United States from France, Spain, and Texas, and the relative advantages to the North and South—considering all north of the line of 36° 30' Northern, and all south of that line Southern gain—will place in a clear light what had been falsely designated "Southern encroachments." By the acquisition of Louisiana, the North acquired 667 599 square miles,

sprang in reality from the spirit of revolutionary attack on the domestic institutions of the South, and, after a troubled existence of a few months, had been rebuked by the voice of a patriotic people.

Of this last agitation, one lamentable feature was, that it was carried on at the immediate expense of the peace and happiness of the people of the territory of Kansas. That was made the battle-field, not so much of opposing factions or interests within itself, as of the conflicting passions of the whole people of the United States. Revolutionary disorder in Kansas had its origin in projects of intervention, deliberately arranged by certain members of that Congress which enacted the law for the organisation of the territory. And when propagandist colonisation of Kansas had thus been undertaken in one section of the Union,\* for the systematic promotion of its peculiar views of policy, there ensued, as a matter of course, a counter-action with opposite views, in other sections of the Union.

In consequence of these and other incidents, many acts of disorder, it was undeniable, had been perpetrated in Kansas, to the occasional interruption, rather than the permanent suspension, of regular government. Aggressive and most reprehensible incursions into the territory were undertaken, both in the North and the South, and entered it on its northern border by way of Iowa, as well as on the eastern by way of Missouri; and there had existed within it a state of insurrection against the constituted authorities, not without countenance from inconsiderate persons in each of the great sections of the Union. . . . .

Incidents of actual violence, or of organised obstruction of law, pertinaciously renewed from time to time, had been met as they occurred, by such means as were available and as the circumstances required; but nothing then remained to affect the general peace of the Union. The attempt, said the President, of a part of the inhabitants of the territory to erect a revolutionary government, though sedulously encouraged and supplied with pecuniary aid from active agents of disorder in some of the states, had completely failed. Bodies of armed men, foreign to the territory, had been prevented from entering, or compelled to leave it. Predatory bands, engaged in acts of rapine, under cover of the then existing political disturbances, had been arrested or dispersed. Every well-disposed person was again enabled to devote himself in peace to the pursuits of prosperous industry, for the prosecution of which he undertook to participate in the settlement of the territory.

It afforded the President unmingled satisfaction to announce the peaceful condition of things in Kansas, especially considering the means to which it was

the South 231,960 square miles. By that of Florida, the North obtained 308,052 square miles; the South 59,268 square miles. By that of Texas, considering the Mexican war as part of that proceeding, the North secured 632,157 square miles; the South 237,504 square miles.

\* According to the *New York Tribune Almanac* of 1856, the following companies had been and still were in active operation in assisting persons to settle in Kansas territory:—American Settlement Company (N.Y. City): this Company founded the Council City settlement; Emigration Aid Company of Massachusetts (Boston): this Company had afforded considerable aid to emigrants to Kansas, and had promoted the erection of several towns; New York Kansas League (N.Y. City): many persons had been sent to Kansas through the instrumentality of this league; Octagon Settlement Company (N.Y. City); Vegetarian Settlement Company (N.Y. City). It was stated that the expense of moving eight persons and teams (waggons) a distance of 700 miles was less than forty dollars—in a good season not more than twenty dollars.



necessary to have had recourse for the attainment of the end, namely, the employment of a part of the military force of the United States. On that occasion of imperative necessity it had been done with the best results, and through the wisdom and energy of the then executive of Kansas (John W. Geary), and the prudence, firmness, and vigilance of the military officers on duty there, tranquillity had been restored without one drop of blood having been shed in its accomplishment by the forces of the United States.

It will be perceived, continued the President, that sectional interests and party passions had been the great impediment to the salutary operation of the organic principles adopted, and the chief cause of the successive disturbances in Kansas.

These disorders in Kansas were not the consequence of the freedom of self-government conceded to that territory by Congress, but of unjust interference on the part of persons not inhabitants of the territory. Such interference, wherever it had exhibited itself, by acts of insurrectionary character, or of obstruction to process of law, had been repelled or suppressed, by all the means which the constitution and the laws had placed in the hands of the executive. The President of the United States had not power to interpose in elections, to see to their freedom, to canvass their votes, or to decide upon their legality in the territories any more than in the states. If he had such power the government might be republican in form, but it would be a monarchy in fact, and the exercise of such powers would have justly subjected him to the charge of usurpation.

Referring to the financial condition of the government, the President stated that during the fiscal year ending June 30, 1856, the receipts from customs were, for the first time, more than 64,000,000 dollars, and from all sources, 73,918,141 dollars; which, with the balance in hand up to the 1st of July, 1855, made the total resources of the year amount to 92,850,117 dollars. The expenditure, including 3,000,000 dollars in execution of the treaty with Mexico, and excluding sums paid on account of the public debt, amounted to 60,172,401 dollars; and, including the latter, to 72,948,792 dollars, the payment on this account having amounted to 12,776,390 dollars.

On the 4th of March, 1853, the amount of the public debt was 69,129,937 dollars. There was a subsequent increase of 2,750,000 dollars for the debt of Texas; making a total of 71,879,937 dollars. Of this the sum of 45,525,319 dollars, including premium, had been discharged, reducing the debt to 30,963,909 dollars; all which might be paid within a year without embarrassing the public service, but being not yet due, and only redeemable at the option of the holder, cannot be pressed to payment by the government.

The President stated, that the ordinary average expenditure of the government for the preceding five years had been about 48,000,000 dollars; that under an economical administration of the government, for the succeeding five, it would not exceed that amount; that this, with other considerations, would justify a reduction of the revenue from customs, so as not to exceed forty-eight or fifty million dollars; therefore he thought the exigency for such reduction imperative, and urged it on the consideration of Congress.

He invited the attention of Congress anew to former recommendations—the

revision of the revenue laws; legislation upon some special questions affecting the business of the Treasury department, more especially a law to punish the abstraction of official books or papers from the files of the government, and requiring all such books to be turned over to successors in office; disbursing officers to deposit all public money in the vaults of the Treasury, or in other legal depositories, when accessible; and extending existing penal provisions to all persons who may become possessed of public money by deposit or otherwise, who shall refuse or neglect, on due demand, to pay the same into the Treasury.

The army had been constantly employed, the preceding year, against hostile Indians in various quarters. The duties had been satisfactorily performed, and there was a promise of greater security to the frontier inhabitants. Combinations among the hostile Indians of Washington and Oregon territories threatened the devastation of that section, but the energetic and successful operations conducted there would prevent such combinations in future retarding its prosperity. For details of recommendations relative to the army, reference was made to the report of the Secretary of War.

The condition of the navy was not merely satisfactory, but had exhibited evidences of increased vigour. The execution of the law "to promote the efficiency of the navy," had resulted advantageously. The law for promoting discipline was found convenient and salutary. The system of granting an honourable discharge to faithful seamen on their enlistment term being completed, and permitting them to re-enlist, after a leave of absence of a few months, without cessation of pay, had been highly beneficial. The apprentice system adopted had brought into the service several hundred American boys, who were then on a three years' cruise. The new frigates ordered by Congress were afloat—two of them in active service. They were superior models, and their formidable batteries added largely to public strength and security.

In reference to the Department of the Interior, the President stated, the aggregate sales of the public lands during the fiscal year ending June 30, 1856, amount to 9,227,878 acres; for which has been received the sum of 8,821,414 dollars. During the same period there have been located, with military scrip and land warrants, and for other purposes, 30,100,230 acres; thus making a total aggregate of 39,328,108 acres. On the 30th of September, 1856, surveys had been made of 16,873,699 acres, a large proportion of which was ready for market.

The expenditure of the Post-Office Department for the fiscal year ending June 30, 1856, was 10,407,868 dollars; and its gross receipts 7,620,801 dollars, making an excess of expenditure over receipts of 2,787,046 dollars. The deficiency of this department is thus 744,000 dollars greater than for the year ending June 30, 1853; 330,000 dollars of this deficiency was accounted for by additional compensation allowed postmasters by Act of June 22, 1854. The mail facilities had been very much increased in that period, and the large addition of railroad service, amounting to 7,908 miles, had added largely to the cost of transportation. The inconsiderable augmentation of the income of the Post Office under the reduced rates of postage, made it dependent, to some extent, upon the Treasury for support.



The United States continued in the enjoyment of amicable relations with all foreign powers.

Two subjects of controversy—the one relating to the enlistment of soldiers in the United States for foreign service, and the other to Central America—threatened to disturb good understanding between the United States and Great Britain. The former had been amicably arranged; the latter was in the way of satisfactory adjustment.

The occasion of controversy in regard to Central America, was the construction of the first article of the treaty known as the Clayton-Bulwer Treaty, negotiated in 1850. An additional supplemental treaty had been concluded by the United States' minister at London, and would be submitted to the Senate, which, if concurred in, would settle satisfactorily the point in dispute.

The treaty between the United States and Great Britain, known as the Reciprocity Treaty, which went into effective operation in 1855, had not only put an end to causes of irritation between the two countries, but had had a favourable effect upon other interests in the provision it made for reciprocal freedom of trade between the United States and the British provinces in America. The exports of domestic articles to those provinces, during the fiscal year ending June 30, 1856, amounted to more than 22,000,000 dollars, exceeding those of the year preceding by nearly 7,000,000 dollars; and the imports therefrom, during the same period, amounted to more than 21,000,000, an increase of 6,000,000 upon those of the previous year. The President stated that the improved condition of this branch of United States commerce was mainly attributable to the above-mentioned treaty.

Provision was made, in the first article of that treaty, for a commission to designate the mouths of rivers to which the common right of fishing, on the coast of the United States and the British provinces, was not to extend. This commission had been employed a part of two seasons, but without much progress in accomplishing the object for which it was instituted, in consequence of a serious difference of opinion between the commissioners, not only as to the precise point where the rivers terminate, but, in many instances, as to what constitutes a river. These difficulties could only be overcome by resort to the umpirage provided for by the treaty.

The President stated, that the attempts perseveringly prosecuted from the commencement of his administration to relieve the commerce of the United States from the exaction of Sound dues by Denmark, had not so far been attended with success. Other governments, following in the wake of the United States, had likewise protested against these exactions. Denmark, therefore, had been induced to propose an arrangement with all the European powers interested in the subject, the result of which proposal, probably, would soon be favourably known. A suspension of definite action on the part of the United States had been requested by Denmark, as an immediate adjustment with the United States might embarrass her European negotiations. This request had been acceded to, upon the condition that the sums collected after the 16th of June, 1856, and until the 16th of June, 1857, were to be considered as paid under protest, and subject to future adjustment.

With Spain no new difficulties had arisen, nor had much progress been made

in the adjustment of pending ones. Negotiations for the purpose of relieving the commerce of the United States with the Island of Cuba of some of its burdens, had not been attended with any results.

Soon after the commencement of the Russian war, that is, during the year 1854, the United States government submitted to the consideration of all maritime nations, two principles for the security of neutral commerce: one that the neutral flag should cover enemies' goods, except articles contraband of war; and the other, that neutral property, on board merchant vessels of belligerents, should be exempt from condemnation, with the exception of contraband articles. One of the parties to the war—Russia—as well as several neutral powers, promptly acceded to these propositions; and the two other principal belligerents, Great Britain and France, consenting to observe them for the occasion, a favourable opportunity seemed to present itself for obtaining a general recognition of them both in Europe and America. But while forbearing to reject, Great Britain and France, in common with most of the states of Europe, did not affirmatively act upon the overtures of the United States.

While the question was in that position, the representatives of Russia, France, Great Britain, Austria, Prussia, Sardinia, and Turkey, assembled at Paris, took into consideration the subject of maritime rights, put forth a declaration containing the two principles which the United States had submitted, two years previous, to the consideration of maritime powers, and added thereto the following propositions:—"Privateering is and remains abolished," and "Blockades, in order to be binding, must be effective, that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy;" and to the declaration thus composed of four points, two of which had already been proposed by the United States, the latter government had been invited to accede by all the powers represented at Paris, except Great Britain and Turkey. To the last of the two additional propositions—that in relation to blockades—there can certainly be no objection. As to the remaining article—"That privateering is and remains abolished"—the President stated that, had that proposition been so framed as to give full effect to the principle, it would have received his ready assent on behalf of the United States. To effect that object it was proposed to add to the declaration the following amendment:—"And that the private property of subjects and citizens of a belligerent on the high seas, shall be exempt from seizure by the public armed vessels of the other belligerent, except it be contraband." This amendment had been presented, not only to the powers which had asked the government of the United States to assent to the declaration to abolish privateering, but to all other maritime states. The Emperor of Russia had entirely and explicitly approved of that modification, and had promised to co-operate in endeavouring to obtain the assent of other powers. Assurances of a similar purport had been received as to the disposition of the Emperor of the French.

The President cherished the hope that a principle so humane in its character, so just and equal in its operation, so essential to the prosperity of commercial nations, and so consonant to the sentiments of an enlightened period of the world, would command the approbation of all maritime powers, and thus be incorporated into the code of international law.



The government of the United States had at all times regarded with friendly interest the other states of America who had become independent members of the great family of nations. But the unsettled condition of some of them, distracted by frequent revolutions, had tended to embarrass occasionally public intercourse with them, by reasons of wrongs which the United States citizens suffered at their hands, and which they had been slow to redress.

Mexico, with whom the United States had a special desire to maintain a good understanding, was, unfortunately, a country against whom such complaints were most numerous; and although these were earnestly urged upon its attention, they had not received that consideration which the United States had a right to expect. While reparation for past injuries had been withheld others had been added. The political condition of that country, however, had been such as to demand forbearance from the United States, but redress for the wrongs of her citizens was indispensable to the continued friendly association of the two republics.

The peculiar condition of affairs in Nicaragua in the early part of the year 1856, rendered it important that the federal government should have diplomatic relations with that state. Through its territory had been opened one of the principal thoroughfares across the isthmus connecting North and South America, over which a vast amount of property was transported, and to which citizens of the United States resorted in great numbers, in passing from the Atlantic to the Pacific coasts of their country. The protection of both required that the existing power in that state should be regarded as a responsible government; and its minister was accordingly received. But he remained only a short time. The political affairs of Nicaragua became involved in confusion. Diplomatic representatives from two contending parties had been sent to the United States' government. The President, not knowing which represented the *de facto* government, refused to receive either.

Questions of the most serious nature were pending between the United States and the republic of New Granada. The government of that republic undertook, in 1855, to impose tonnage duties on foreign vessels in her ports, but the purpose was resisted by the United States' government, as being contrary to treaty stipulations with her, and to rights conferred by charter upon the Panama Railroad Company, and it was consequently relinquished at that time, it being admitted that United States' vessels were entitled to be exempt from tonnage duty in the free ports of Panama and Aspinwall. But the purpose had been revived on the part of New Granada, by the enactment of a law to subject vessels visiting her ports to the tonnage duty of forty cents per ton; and, although the law had not been put in force, the right to enforce it was still asserted, and might be acted upon by the government of that republic. The Congress of New Granada had also enacted a law in the year 1856, which levied a tax of more than three dollars on every pound of mail matter transported across the isthmus. The sum thus required, that would have to be paid by the United States on her postal communications, would nearly reach 2,000,000 dollars annually, in addition to the large sum payable by contract to the Panama Railroad Company. If the only objection to this exaction were the exorbitancy of its amount, it could not be submitted to by the United States. The imposition of

it, however, said the President, obviously contravened the United States treaty with New Granada, and infringed the contract of that republic with the Panama Railroad Company. The law providing for this tax was, by its terms, to take effect on the 1st of September, 1856, but the local authorities on the isthmus had been induced to suspend its execution, and to await further instructions on the subject from the government of the republic. If a measure so extraordinary in its character, and so clearly contrary to treaty stipulations, and the contract rights of the Panama Railroad Company, composed mostly of American citizens, should be persisted in, it would be the duty of the United States to resist its execution.

The President regretted that occasion existed to call the attention of Congress to a subject of still graver import with the republic of New Granada. On the 15th day of April, 1856, a riotous assemblage of the inhabitants of Panama committed a violent and outrageous attack on the premises of the railroad company, and the passengers and other persons in or near the same, involving the death of several citizens of the United States, the pillage of many others, and the destruction of a large amount of property belonging to the railroad company. Full investigation having been made, the result showed satisfactorily that complete responsibility for what had occurred attached to the government of New Granada. The President, therefore, had demanded of that government that the perpetrators of the wrongs in question should be punished; that provision should be made for the families of the citizens of the United States who were killed, with full indemnity for the property pillaged or destroyed.

The condition of the Isthmus of Panama, so far as regarded the security of persons and property passing over it, required serious consideration. Incidents tended to show that the local authorities could not be relied on to maintain the public peace of Panama, and there were just grounds for apprehension that a portion of the inhabitants were meditating further outrages, without adequate measures having been taken, either by the state of Panama, or by the general government of New Granada, for the security and protection of persons or property.

Under the guarantees of treaty, citizens of the United States had, by the outlay of several millions of dollars, constructed a railroad across the isthmus, and it had become the main route between the Atlantic and Pacific possessions of the United States, over which multitudes of her citizens and a vast amount of their property were constantly passing; to the security and protection of all which, and the continuance of the public advantages involved, it was impossible for the government of the United States to remain indifferent.

The President deemed the danger of the recurrence of scenes of lawless violence in that quarter so imminent, that he had stationed a part of the naval force in the harbours of Panama and Aspinwall, in order to protect the persons and property of the citizens of the United States in those ports, and to insure their safe passage across the isthmus. In his judgment it would be unwise to withdraw that naval force, until, by the spontaneous action of the republic of New Granada, or otherwise, some adequate arrangement should have been made for the protection and security of a line of interoceanic communication, so important, not to the United States only, but to all other maritime states, both of Europe and America.



Meanwhile, negotiations had been instituted, by means of a special commission, to obtain from New Granada full indemnity for injuries sustained by American citizens on the isthmus, and satisfactory security for the general interests of the United States.

The President concluded that, in addressing to the Congress his last annual Message, the occasion seemed an appropriate one to express his congratulations in view of the peace, greatness, and felicity which the United States then possessed and enjoyed. The nation was at peace at home and abroad; its industrial interests were prosperous; the sails of its mariners whitened every sea; the plough of its husbandmen was marching steadily onward to the bloodless conquest of the continent, and the courageous energy of the people was making of these United States the great republic of the world.

"We had, at length, reached that stage of the country's career in which the dangers to be encountered, and the exertions to be made, were the incidents, not of weakness, but of strength. In foreign relations, we must attemper our power to the less happy condition of other republics in America, and place ourselves, in the calmness and conscious dignity of right, by the side of the greatest and wealthiest of the empires of Europe. In domestic relations, we had to guard against the shock of the discontents, the ambitions, the interests, and the exuberant, and therefore sometimes irregular impulses of opinion, or of action, which are the natural product of the present political elevation, the self-reliance, and the restless spirit of enterprise of the people of the United States."

The laws passed at the third session of the thirty-fourth Congress were but few, of permanent interest. An Act was passed, declaring that any person summoned as a witness, by either House of Congress, to give testimony, or produce papers, who should wilfully refuse attendance, or refuse to testify, should thereby make himself liable to indictment for misdemeanour, and to fine of from 100 to 1,000 dollars, and imprisonment from one to twelve months in the common jail. No statement made, or paper produced, before Congress by a witness, should be competent testimony in any criminal proceeding against such witness, and no such witness should be excused on the ground that he might criminate himself by the testimony he should give.

Another Act appropriated 300,000 dollars for the construction of a waggon road from Fort Kearney, in Nebraska, *via* the south pass of the Rocky Mountains, to the eastern boundary of California, near Honey Lake; 200,000 dollars for a waggon road from El Paso, on the Rio Grande, to Fort Yuma, at the mouth of the Gila River; and 50,000 dollars for a road from Fort Defiance, in New Mexico, to the Colorado River.

It was likewise enacted that Spanish and Mexican coins of the denominations of one-fourth, one-eighth, and one-sixteenth of a dollar, should be hereafter received by the government at 20, 10, and 5 cents; that such coins should not be again paid out by the government, but sent to the mint for re-coinage; also that a new cent of 72 grains weight, composed of 88 per cent. of copper and 12 per cent. of nickel, should be issued, and that said cents might be paid out for the Spanish and Mexican coins above referred to, at their nominal value of 25, 12½, and 6¼ cents, for two years.

It was also enacted, that the importation of all indecent or obscene articles,

prints, paintings, lithographs, engravings, images, figures, daguerreotypes, photographs, and transparencies, should be prohibited, and that no invoice or package whatever, or any part thereof, in which any such articles were contained, should be admitted to entry; and all invoices and packages, whereof any such articles should compose a part, were declared to be liable to be proceeded against, seized, and forfeited, by due process of law.

To assist in laying the telegraph cable across the Atlantic, the use of two national ships was given; to the Submarine Telegraph Company, for the use of such telegraphic communication as the United States' government may require, 70,000 dollars per annum, until the company shall divide six per cent. per annum, and then not exceeding 50,000 dollars per annum, for twenty-five years: provided the government of Great Britain enter in a like stipulation before, or at the same time. The tariff of prices to be fixed by the Secretary of the Treasury and the government of Great Britain, or its agent. The citizens of the United States to enjoy the right of reception and transmission, for all time, on the same terms and conditions stipulated in favour of the government of Great Britain, and the subjects thereof.

In reviewing the administration of President Pierce, one cannot but observe the irrefragable evidences of the patriotism, integrity, and courage he displayed during that period. The intuitive appreciation of his character, after his nomination, but before his election to the Presidency, is clearly seen by the remarks of his biographer, Nathaniel Hawthorne, made at that period. Speaking of the nomination of General Pierce, he said—"To those who know him (Pierce) well, the event comes, not like accident, but as a consummation which might have been anticipated, from its innate fitness, and as the final step of a career which, all along, has tended thitherward."

In his inaugural address, President Pierce foresaw the main difficulty he would have to encounter, from the continued and violent agitation, by the people and preachers of the North, of the subject of slavery in the South, and therefore placed himself before the public in the attitude he intended to occupy. He maintained that "domestic slavery was recognised by the constitution of the United States; that the Fugitive Slave Law was constitutional, and, under his administration, should be strictly enforced."

At an early period, a serious question respecting the boundary between Mexico and the United States occupied the administration. It was relative to a tract of land known as the Mesilla Valley, which was claimed by both countries. The dispute was settled by negotiation, and resulted in the acquisition of Arizona. About the same period, various expeditions were organised to explore routes for a railroad to the Pacific Ocean. In the same year, a dispute between Great Britain and the United States, of long standing, relative to the fisheries, was happily settled by mutual concessions. In the second year of his administration, the Reciprocity Treaty with Great Britain was inaugurated, negotiated, and ratified. No other convention made by the United States ever drew closer the bonds of amity and friendship than did this; and to it may be ascribed the prolongation of peace between the two countries, unhappily subsequently threatened, on several occasions, by what were considered antagonistic interests. The last of these threatened difficulties—the dismissal of the British minister



from Washington—was, however, terminated rather by the conciliatory good sense that governed the councils of the Queen of Great Britain, than by the wisdom of the authorities at Washington. The first treaty with the empire of Japan was negotiated under Pierce's administration.

On other foreign matters, the Martin Kosta affair, the burning of Greytown, &c., President Pierce displayed his good sense in standing firmly on principle, and showing clearly American rights were to be vindicated under his administration. But of all the troubles with which he was surrounded, those relative to the affairs of Kansas took pre-eminence. No one more fully realised the truth, that a man's worst enemies were sometimes those of his own household, than did President Pierce. While endeavouring to perform his duty as chief magistrate of the whole country, enjoined by all the solemnities of his oath of office to maintain the constitution, and the laws made in pursuance thereof, the President was continually hounded by the cries of three thousand Puritan clergymen, and other persons of extreme philosophical, philanthropical, and religious opinions, urging their numberless fanatical adherents to deeds of revolution and violence. These fanatics were indoctrinated into the belief that the cause of their poverty and consequent misery was *negro* slavery, and that if they were but true to the teachings which had been given them, the Lord would work them out a great deliverance. To these men, armed with Sharpe's rifles and with bowie-knives, were given free passages by the Emigrant Aid societies—corporations with large capitals, chartered by the sovereign states of Massachusetts and Connecticut—to proceed to Kansas, there to subvert the constitution, and the laws made in pursuance thereof. Mr. Wendell Phillips, the Abolitionist apostle or prophet, of Massachusetts, at a meeting in Boston, May, 1849, delivered an address, in the course of which he uttered these words:—"We confess that we intend to trample under foot the constitution of this country (the United States); we call upon you to do likewise! Shall I tell you why? You can never make a revolution in this matter until you make the common sense and the consciences of the people superior to their statute-books; until you arraign against the despotism, the conscientious convictions of the mass of the minority, whatever it be. . . . Daniel Webster says, '*You are a law-abiding people; that the glory of New England is, that it is a law-abiding community.*' Shame on it if this be true! if ever the religion of New England sinks as low as its statute-book,—but I say we are not a law-abiding people—God be thanked for it!"

Fortified as these Puritan leaders thought they were in Kansas, they next turned their attention to the halls of the national legislature at Washington. Congress was about adjourning; the appropriation for the army had not yet passed. To thwart that measure would be to paralyse the arm of the executive. They did thwart it. Congress adjourned without making an army appropriation. President Pierce saw through their object and policy, and immediately issued his proclamation calling an extra session of Congress in three days. Ten days after their re-assembly, they passed the Army Appropriation Bill and adjourned. Thus the agitators were for a time foiled by the firmness and energy of Mr. Pierce, and during the remainder of his administration contented themselves by quietly sapping and mining, preparatory to a future attack on the constitution.

## BOOK VIII.

### THE ADMINISTRATION OF JAMES BUCHANAN.

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#### CHAPTER I.

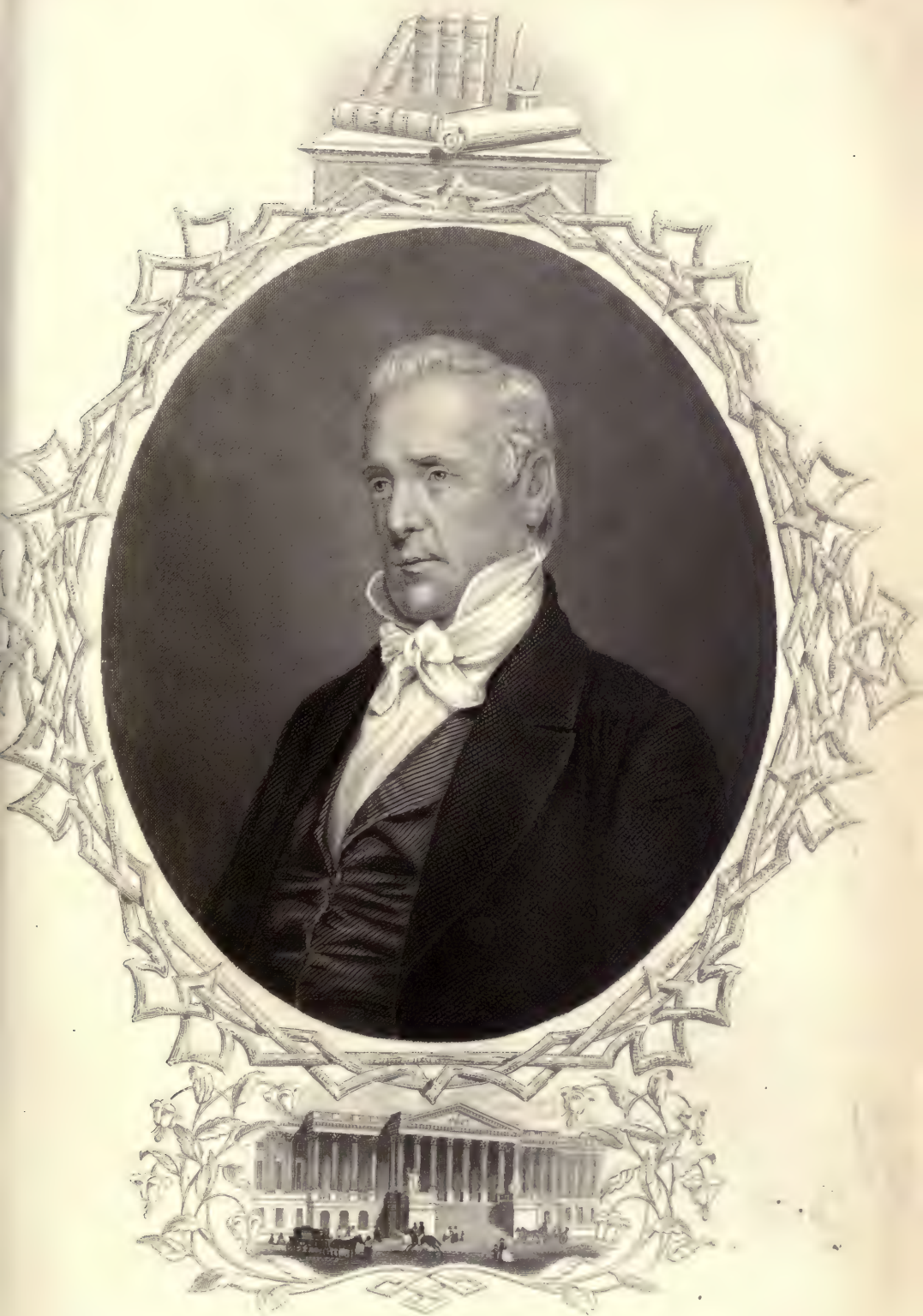
BIOGRAPHY OF PRESIDENT BUCHANAN.—HIS INAUGURATION.—THE PRESIDENT'S CABINET.

JAMES BUCHANAN, the fifteenth and last President of the United States, was born at a place called Stony Batter, in Franklin county, Pennsylvania, on the 23rd day of April, 1791. His father, James, a native of the county of Donegal, in the north of Ireland, emigrated to the United States in the year 1783; and married, in 1788, Elizabeth Speer, the daughter of a respectable farmer of Adams county, Pennsylvania. Having "staked his claim" in Franklin county, then comparatively a wilderness, and erected a rude log cabin, his own right arm felled the trees that allowed the sunlight of heaven to fall upon the little clearing that surrounded his humble home. In this log cabin was the President, James Buchanan born, and there he continued to reside until he was in the eighth year of his age. His father was a prominent man in the county where he resided, and exercised a large share of influence. He had an excellent English education, and so fully understood the advantages to be derived from one of a more liberal character, that he early resolved his son should receive it. The mother of President Buchanan was a woman of uncommon intellect. Although she had not enjoyed the advantages of a superior education, she was distinguished for her masculine sense and remarkable literary taste. Although she had never read a criticism on any of the standard poets, she had selected and could repeat from memory many striking passages in Pope, Cowper, Milton, and other English poets.

In 1798, Mr. Buchanan's father removed with his family to the village of Mercersburg, where his son received his early education in English, Latin, and Greek. At the age of fourteen, young Buchanan entered Dickinson College, at Carlisle, in Cumberland county. He immediately took rank as one of the most indefatigable students, and rapidly rose in the estimation of his teachers, as well as of his fellow-pupils. While in college he was a member of a literary club connected with the institution, enjoyed all the honours that could be conferred on him by it, and at commencement was presented by its unanimous vote to the faculty for the highest collegiate honours. He graduated in 1809, at the age of eighteen.

In December, 1809, Mr. Buchanan commenced the study of the law in the office of James Hopkins, Esq., of Lancaster city, an eminent lawyer of that place. He was admitted to the bar in 1812, and rose rapidly in his profession. His contemporaries affirmed that from the day he was admitted, until he finally retired from the legal profession, his was a series of successful triumphs. He





*James Buchanan*





was poor, and necessity demanded that exertion which early made him the equal of the best lawyers in Pennsylvania. In all important causes then tried in Dauphin, York, and other neighbouring counties, his name appears more frequently in the Pennsylvania Reports than that of any lawyer of his day.

In 1814, then twenty-three years of age, he made his first political speech before a meeting of his fellow-citizens of Lancaster. The news had just reached there of the burning of the public buildings at Washington, by the British, and the object of the speech was to inculcate the duty of volunteering for the defence of the country. A volunteer company was raised upon the spot, Mr. Buchanan being the first to enter his name as a private. The company marched to Baltimore, and served until they were honourably discharged. In the same year he was elected a member of the Pennsylvania legislature, and gave his support to every measure calculated to aid the country against the common enemy. In 1815, after peace had been concluded, he expressed opinions in relation to the causes and conduct of the war, which he soon after regretted and recalled. In the session of 1816-17, of the Pennsylvania State Senate, Mr. Buchanan (then but twenty-six years of age), unassisted by senior counsel, defended successfully a distinguished judge of that state, who was tried upon articles of impeachment.

At the age of thirty he commanded a practice more enviable and more extensive than that of any lawyer in the state of Pennsylvania. At this time, however, he yielded to the urgent and repeated solicitations of his friends, and consented to become a candidate for representative to the Congress of the United States. He was elected, and continued in the same position for ten years, when he peremptorily declined a re-election.

Mr. Buchanan retired from the legal profession in 1831, having accumulated a competency by his steady devotion to business, and his superiority in his profession. Once only, after he left his profession, could he be prevailed upon to appear again at the bar. This was in the cause of an aged widow. It was an action of ejectment which involved all her little property. The case was a difficult one, and technically decided against the poor woman. To the surprise and astonishment of every one, Mr. Buchanan succeeded in establishing her title to the property in question. All offers of remuneration were rejected by him; he would not accept anything but her expressions of gratefulness for his services.

Shortly after Mr. Buchanan's retirement from Congress, he was honoured by President Jackson with the appointment of Minister to Russia. Returning from thence in 1833, he was elected to a vacancy in the United States Senate from the state of Pennsylvania. Remaining in the Senate continuously, by successive re-elections, until the campaign of 1844 placed James K. Polk in the presidential chair, he resigned that position, to accept the portfolio of Secretary of State, which had been tendered him by that President. This position had been offered him, after consultation with ex-President Jackson, then in retirement at the Hermitage, who designated Mr. Buchanan as the proper person to occupy that responsible post.

At the close of President Polk's administration, Mr. Buchanan retired to private life, and there remained until the election of President Pierce, who tendered to him the mission to the Court of St. James's. Mr. Buchanan accepted the office, and remained until near the close of Mr. Pierce's administration.

Upon his return to the United States, he was nominated and elected, in 1856, as President for four years, from March 4th, 1857, after a sharp contest with Colonel Frémont, the Republican candidate.

Mr Buchanan was inaugurated as President on the 4th of March, 1857. In a few days afterwards, Mr. Buchanan sent to the Senate of the United States the gentlemen whom he had chosen to compose his cabinet. They were at once unanimously confirmed. Their names and positions were as follows:—Lewis Cass, of Michigan, Secretary of State; Howell Cobb, of Georgia, Secretary of the Treasury; Jacob Thompson, of Mississippi, Secretary of the Interior; Isaac Toucey, of Connecticut, Secretary of the Navy; John B. Floyd, of Virginia, Secretary of War; Jeremiah S. Black, of Pennsylvania, Attorney-General; and Aaron V. Brown, of Tennessee, Postmaster-General.

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## CHAPTER II.

MEETING OF CONGRESS.—PRESIDENT BUCHANAN'S FIRST MESSAGE.—FOREIGN AFFAIRS.—EXPEDITION TO NICARAGUA.—PROCEEDINGS IN KANSAS.—HOSTILITIES IN UTAH.—THE FINANCES.—THE DEPARTMENT OF THE INTERIOR.—A NATIONAL BALANCE-SHEET FOR SIXTY-EIGHT YEARS.

THE first session of the thirty-fifth Congress assembled at Washington on Monday, December 7, 1857. There was a full attendance of the members of both Houses. The Senate was at once organised by its presiding officer, the Hon. John C. Breckenridge, of Kentucky, Vice-President of the United States. The House proceeded to the election of a Speaker, and chose the Hon. James L. Orr, of South Carolina.

After the usual communication from Congress, the President transmitted his first annual Message. He stated that first, and above all, the thanks of the people of the United States were due to Almighty God for the numerous blessings He had bestowed upon them. They had enjoyed an unusual degree of health; the earth had yielded her fruits abundantly, and had bountifully rewarded the toil of the husbandman. The great staples of the country had commanded high prices, and up until a brief period from which he spoke, the manufacturing, mineral, and mechanical occupations had largely partaken of the general prosperity. In the midst of all the elements of national wealth, the United States, in its monetary interests, was then in a deplorable condition: manufactures suspended, public works retarded, private enterprises of different kinds abandoned, thousands of useful labourers thrown out of employment and reduced to want.

The revenue of the government, chiefly derived from duties and imports, had been greatly reduced, and a loan would be needed to carry on the affairs of the nation.

The President then proceeded to inquire into the cause of such a state of



things, traced it to an inflated paper currency unprotected by a substantial specie-basis, which had collapsed. He stated that under the construction of the federal constitution, which had prevailed too long to be changed, the general government was almost powerless to remedy the evil. The only relief he suggested was the passage, by Congress, of a uniform bankrupt law applicable to all banking institutions throughout the United States. This would make it the irreversible organic law of each bank's existence, that a suspension of specie payments should produce its civil death. The instinct of self-preservation would then compel it to perform its duties in such a manner as to escape the penalty, and preserve its life. If, however, continued the President, experience should prove it to be impossible to enjoy the facilities which well-regulated banks might afford, without at the same time suffering the calamities which the excesses of the banks had hitherto inflicted upon the country, it would then be far the lesser evil to deprive them altogether of the power to issue a paper currency, and confine them to the functions of banks of deposit and discount.

The relations of the United States with foreign governments were, upon the whole, in a satisfactory condition.

The diplomatic difficulties with Great Britain, which had existed, were happily terminated by the appointment of a British minister to the United States (Lord Napier), who had been cordially received. Whilst it was greatly to the interest, as the President was convinced it was the desire, of the governments and people of the two countries, to be on terms of intimate friendship with each other, it had been the misfortune of the United States almost always to have had some irritating, if not dangerous, outstanding question with Great Britain. The Clayton and Bulwer Treaty, negotiated in 1850, had been the most unfortunate of all, because the two governments placed directly opposite and contradictory constructions upon its first and most important article. The President then proceeded to controvert the position taken by the British government, and concluded that the wisest course would have been to have abrogated the treaty by mutual consent, and commenced proceedings afresh. Overtures had subsequently been made by the government of Great Britain, for the settlement of this Central American difficulty, in a friendly spirit, which had been cordially reciprocated by the President, but whether that renewed effort would result in success, a brief period would determine.

The ancient relations of friendship between the United States and France still continued to exist. It was much to be regretted, that although the productions of the two countries were such as to invite the freest commercial intercourse, the commercial treaty between France and the United States was an exception to the commercial treaties made with all other nations by the United States. In 1815, Congress passed an Act offering to all nations to admit their vessels, laden with their national productions, into the ports of the United States, upon the same terms with their own vessels, provided they would reciprocate by granting similar advantages to the vessels of the United States. That Act confined the reciprocity to the productions of the respective foreign nations who might enter into the proposed arrangement with the United States. In 1828, the restriction in the Act of 1815 was removed, and

a similar reciprocity to all such vessels, without reference to the origin of their cargoes, was offered. Upon these principles the commercial treaties and arrangements of the United States had been founded—the only exception being that of France, which it was hoped by the President would not long exist.

The relations of the United States with Russia remained, as they had ever been, on the most friendly footing.

With all other European governments, except that of Spain, the relations of the United States government were as peaceful as could be desired. The President regretted to say, that no progress had been made towards the settlement of any of the numerous claims of American citizens against the Spanish government. Whenever the American minister at Madrid had urged their just claims on the notice of the Spanish government, he was met with the objection that Congress had never made the appropriation recommended by President Polk, in his annual Message of December, 1847, “to be paid to the Spanish government for the purpose of distribution among the claimants in the *Amistad* case.” A similar recommendation had been made by President Pierce, in his Message of December, 1853; and as he (President Buchanan) concurred with both of his predecessors, in the opinion that the indemnity was justly due under the treaty with Spain of 1795, he recommended an appropriation to the favourable consideration of Congress. The then envoy extraordinary and minister plenipotentiary to Madrid having asked to be recalled, the President purposed to send out a new minister to Spain, with special instructions on all questions then pending between the two governments, with a determination to have them speedily and amicably adjusted, if that should be found possible.

A treaty of friendship and commerce was concluded on the 13th of December, 1856, at Constantinople, between the United States and Persia, the ratifications of which were exchanged on the 13th June, 1857, and the treaty was proclaimed by the President in August, 1857. As the Shah of Persia had manifested an earnest disposition to cultivate friendly relations with the United States, and had expressed a strong wish that the country should be represented at Teheran, by a minister plenipotentiary, the President recommended an appropriation for that purpose.

Occurrences in China had been unfavourable to a revision of the treaty between that empire and the United States, made in 1844. An article in that treaty stipulated for a revision after twelve years from the date of the convention. That period had expired, but previous to its expiration important changes in the treaty were deemed necessary, and several fruitless attempts were made to effect them. Another effort had been made, in conjunction with the ministers of England and France, but it was suspended by the occurrence of hostilities in the Canton river, between Great Britain and China, which had led to a blockade of the ports of the latter by the fleets of the former. Under these circumstances the President had deemed it advisable to send a new minister to that empire, with instructions to avail himself of any opportunity to effect such changes in the treaty as would be favourable to American commerce. That minister had left the United States for his destination in July, 1857, in the war-steamer *Minnesota*. Special ministers to China had also been appointed by Great Britain and France.



Whilst the United States minister had been instructed to occupy a neutral position in reference to the then existing hostilities at Canton, he was to cordially co-operate with the British and French ministers in all peaceful measures to secure, by treaty stipulations, those just concessions to commerce which the nations of the world had a right to expect, and which China could not long be permitted to withhold.

The difficulties between the United States and New Granada, which had borne such a threatening aspect, were in a fair way of settlement, and in a manner just and honourable to both parties.

The isthmus of Central America, said the President, including that of Panama, was the great highway between the Atlantic and Pacific, over which a large portion of the commerce of the world was destined to pass. The United States were more deeply interested than any other nation in preserving the freedom and security of all the communications across the isthmus. It was their duty, therefore, to take care that they should not be interrupted, either by invasions from the citizens of their own country, or by wars between the independent states of Central America. Under the treaty between the United States and New Granada of the 12th December, 1846, the former were bound to guarantee the neutrality of the Isthmus of Panama, through which the Panama railroad passes, "as well as the rights of sovereignty and property which New Granada has and possesses over the said territory." This obligation is founded upon equivalents granted by the treaty to the government and people of the United States.

Under these circumstances the President recommended Congress to pass an Act authorising him, in case of necessity, to employ the land and naval forces of the United States to carry into effect this guarantee of neutrality and protection. He also recommended similar legislation for the security of any other route across the isthmus, in which the United States may acquire an interest by treaty.

He then proceeded to show that it was the duty as well as the interest of the people of the United States, to cultivate the most friendly relations with the independent republics on the American continent. It was one of the first and highest duties of any independent state, in its relations with the members of the great family of nations, to restrain its people from acts of hostile aggression against their citizens or subjects. Weak and feeble states like those of Central America might not feel themselves able to assert and vindicate their rights; but the most eminent writers on public law have not hesitated to denounce such hostile acts as robbery and murder.

From the administration of General Washington, acts of Congress had been in force to punish severely the crime of setting on foot a military expedition within the United States, to proceed from thence against a nation or state with whom they were at peace. The neutrality law then in force, the President stated, was but a collection of pre-existing laws. It empowered him to employ the land and naval forces, and the militia, "for the purpose of preventing the carrying on of any such expedition or enterprise from the territories and jurisdiction of the United States," and the collectors of customs are authorised and required to detain any vessel in port when there is reason to believe she is about to take part in such lawless enterprises.

When it was first rendered probable, said the President, that an attempt would be made to get up another unlawful expedition against Nicaragua, the Secretary of State issued instructions to the marshals and district attorneys, which were directed by the Secretaries of War and the Navy to the appropriate army and navy officers, requiring them to be vigilant in carrying into effect the provisions of the neutrality laws. Notwithstanding these precautions the expedition escaped. The leader of the expedition, however, was arrested at New Orleans, but was discharged on giving bail in the insufficient sum of 2,000 dollars. The whole subject was commended to the serious attention of Congress by the President, as he believed duty, interest, and national character required effectual measures to be adopted to prevent a repetition of such outrages.

The President of Paraguay had refused to ratify the treaty between that state and the United States. That government committed an outrage on a United States' steamer engaged in a scientific enterprise in the Paraguay river, and had likewise seized the property of American citizens, engaged in business in Paraguay. A demand was made on Paraguay for redress, in a firm and conciliatory manner, but the result was then in abeyance.

The President reviewed the condition of Kansas, and stated that at the time of his inauguration (March 4th, 1857), the opposing parties stood in hostile array, and any accident might have lighted the flames of civil war. On the 19th February previous, the territorial legislature had passed a law providing for the election of delegates on the third Monday of June, to meet on the first Monday of September ensuing, for the purpose of forming a constitution preparatory to admission into the Union.

At the time of the election for delegates, an extensive organisation existed in the territory, whose avowed object it was, if need be, to put down the lawful government by force, and to establish a government of their own under the so-called Topeka constitution. The persons attached to this revolutionary organisation abstained from taking any part in the election, in consequence of an apprehension which extensively prevailed that a design existed to force upon them a constitution in relation to slavery against their will; the Act of the territorial legislature having omitted to provide for submitting to the people the constitution which might be framed by the convention. The convention to frame a constitution for Kansas met on the 1st of September. But little difficulty occurred in the convention except on the subject of slavery. After an angry and excited debate the convention formed a constitution,\* and finally determined, by a majority of only two, to submit the question of slavery to the people, though at the last, forty-three of the fifty delegates present affixed their signatures to it. The convention adjourned on the 7th day of November. Should the constitution without slavery be adopted by the votes of the majority, the rights of property in slaves then in the territory were reserved. This point was decided by the highest judicial tribunal of the country, and upon the plain principle, that when a confederacy of sovereign states acquire a new territory at their joint expense, both equality and justice demand that the

\* This constitution is known as the "Lecompton."



citizens of one and all of them shall have the right to take into it whatsoever is recognised as property by the common constitution.

A territorial government was established for Utah on the 9th September, 1850. Brigham Young was appointed the first governor on the 20th September, 1850, and had held the office for seven years. He had also held the office of Superintendent of Indian Affairs in that territory for about the same period. He had been at the same time the head of the church called the Latter-Day Saints, or "Mormons," and professed to govern its members and dispose of their property by direct inspiration and authority from the Almighty. His power, therefore, had been absolute over both church and state. The people of Utah almost exclusively belonged to this church, and believed with a fanatical spirit that he was governor of the territory by Divine appointment. They obeyed his commands as if they were direct revelations from heaven. If, therefore, he chose that his government should come into collision with the government of the United States, the members of the Mormon church would yield implicit obedience to his will. Facts left but little doubt in the mind of the President that such was his determination. All the officers of the United States, judicial and executive, except two Indian agents, had found it necessary for their own personal safety to withdraw from the territory; and there remained no government in Utah, save the despotism of Brigham Young. To restore the supremacy of the constitution and laws within its limits, the President appointed a new governor and other federal officers for Utah, and sent with them a military force for their protection, and to aid as a *posse comitatus*, in case of need, in the execution of the laws.

Brigham Young, by proclamation, declared his determination to maintain his power by force, and committed acts of hostility against the United States. He declared to Major Van Vliet, an officer of the army, that he had laid in a store of provisions for three years, which, in case of necessity, he would conceal, "and then take to the mountains, and bid defiance to all the powers of the government." To restore the supremacy of the constitution and the laws in that territory, it would be necessary, according to the estimate of the War Department, to have four additional regiments, and the President recommended to Congress to grant authority to raise that additional force.

The establishment of a territorial government over Arizona was recommended, inasmuch as the mails to and from California were carried over its whole extent, the route being the nearest, and probably the best, to the Pacific.

The amount of revenue received from all sources into the Treasury during the fiscal year ending June 30, 1857, was 68,631,513 dollars, 67 cents, which amount, with the balance of 19,901,325 dollars, 45 cents, remaining in the Treasury at the commencement of the year, made an aggregate for the service of the year of 88,532,839 dollars, 12 cents. The public expenditure for the fiscal year ending June 30, 1857, amounted to 70,822,724 dollars, 85 cents, of which 5,943,896 dollars, 91 cents, were applied to the redemption of the public debt, including interest and premium, leaving in the Treasury at the commencement of the fiscal year, 1st July, 1857, 17,710,114 dollars, 27 cents. The amount of the public debt at the commencement of the fiscal year, July 1, 1857, was 29,060,386 dollars, 90 cents.

The President recommended the construction of ten small war-steamers of light draught, great speed, and heavy guns. Their cost would not exceed 230,000 dollars each.

In reference to the public lands, he stated there had been carved out of them thirteen states and seven territories, yet still more than 1,000,000,000 of acres remained unsold. There had heretofore been disposed of, 363,862,464 acres.

The whole number of Indians in the territorial limits of the United States, from the best data in the interior department, in the year 1857, was about 325,000.

The expenditure of the Post-Office Department for the fiscal year ending June 30, 1857, amounted to 11,507,670 dollars. To defray this expenditure, there was to the credit of the department on the 1st July, 1856, the sum of 789,599 dollars; the gross revenue of the year, including the annual allowances for the transportation of free mail matter, produced 8,053,951 dollars; and the remainder was supplied by the appropriation from the Treasury of 2,250,000 dollars, granted by the Act of Congress of August 18, 1856, and an appropriation of 666,883 dollars, made by Act of March 3, 1857; leaving 252,763 dollars to the credit of the department in the accounts of the current year.

The establishment of the overland mail route from the Mississippi river to San Francisco, having been selected with his full concurrence, the President commended to the consideration of Congress.

In conclusion the President stated that he had deliberately determined, except in a case of extreme and most urgent necessity, not to approve of any new Bill upon which he had not two days allowed him, previous to the close of the session, in order to give it a thorough examination.

In pursuance of a resolution of the United States Senate, made during the first session of the thirty-fifth Congress, there was published a document showing the receipts, expenditure, and appropriations of the United States government, from March 4th, 1789, to June 30th, 1857. From that official paper the following facts are obtained. The total receipts into the United States Treasury, during that period, amounted to 1,955,105,226 dollars 83 cents. The total expenditure for the same period was 1,908,302,371 dollars 83 cents. Of the receipts, there was obtained from customs, 1,391,027,497 dollars 7 cents; from internal revenue, 22,278,043 dollars 39 cents; from direct taxes, 12,744,737 dollars 56 cents; from postage, 1,092,227 dollars 52 cents; from public lands, 167,898,351 dollars 78 cents; from dividends and sales of bank stock and bonus, 21,915,521 dollars 38 cents; miscellaneous, including indemnities and Chickasaw Fund, 31,768,070 dollars 34 cents. The total receipts, exclusive of loans and Treasury notes, being 1,647,265,656 dollars 11 cents. Loans, Treasury notes, &c. &c., 307,839,570 dollars 72 cents. Of the expenditure, the civil list amounted to 116,091,380 dollars 29 cents. Foreign intercourse, including awards, 75,838,558 dollars 23 cents. Miscellaneous, 181,985,584 dollars 31 cents. Military service, 484,017,519 dollars 43 cents. Naval service, 307,396,792 dollars 31 cents. Revolutionary and other pensions, 76,160,669 dollars 23 cents. Indian department, including Chickasaw Fund, 72,168,144 dollars 11 cents. The total expenditure, exclusive of public debt, being 1,313,648,648 dollars 91 cents. Public debt,



594,643,792 dollars 31 cents. Taking the whole period together, viz., from 1789 to 1857, it will be found that the total receipts averaged, annually, 28,751,547 dollars 45 cents; and the total expenditure, 28,063,270 dollars 17 cents. Of the receipts, the customs averaged, annually, 20,456,286 dollars 72 cents; the public lands, 2,469,093 dollars 26 cents. Of the expenditure, the military service averaged, annually, 7,103,198 dollars 81 cents; the naval establishment, 4,520,541 dollars 6 cents. Taking the last four years of the period, viz., July 1, 1853, to June 30, 1857, the average annual receipts are found to be 70,544,944 dollars 47 cents; the average annual expenditure, 71,409,705 dollars 99 cents. The average annual receipts for the same period were, from customs, 61,287,188 dollars 26 cents; from public lands, 8,178,744 dollars 76 cents. Of the expenditure for the same period, the military service averaged, annually, 15,623,167 dollars 23 cents; the naval service, 12,710,930 dollars 29 cents.

The balance in the Treasury of the United States, from July 1, 1843, to June 30, 1857, averaged, annually, 40,507,934 dollars.

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### CHAPTER III.

MEETING OF CONGRESS.—PRESIDENTIAL MESSAGE.—AGITATION IN KANSAS.—HOSTILITIES IN UTAH.—RELATIONS WITH FOREIGN COUNTRIES.—AFFAIRS IN CENTRAL AMERICA.—THE RECENT COMMERCIAL REVULSION.—FINANCIAL CONDITION OF THE COUNTRY.—THE POST-OFFICE DEFICIT.—CAPTURE OF A SLAVE-SHIP.—SPEECH BY SENATOR HAMMOND ON THE PROSPECTS OF A SEPARATE ORGANISATION OF THE SOUTHERN STATES.

THE second session of the thirty-fifth Congress assembled at Washington, Monday, December 6, 1858. Both Houses having been organised, the President transmitted his annual Message.

He opened by stating that there was much reason for gratitude to Almighty God, who had never failed to interpose for the relief of the people of the United States at the most critical periods of their history. One year ago, the sectional strife between the North and the South on the dangerous subject of slavery had again become so intense as to threaten the peace and perpetuity of the Union. The application for the admission of Kansas as a state into the Union fostered this unhappy agitation, and brought the whole subject once more before Congress. Every patriot desired to remove the excitement from the states, and confine it to the territory where it legitimately belonged. Much had been done during the previous session of Congress. The beneficial tendency of those legislative proceedings outside of, as well as within, the territory of Kansas was marked. Left to manage and control its own affairs in its own way, without the pressure of external influence, the revolutionary Topeka organisation, and all resistance to the territorial government established by Congress, had been finally abandoned. A wiser and better system seemed to prevail before the first Monday in January, 1858, when an election was held

under the constitution. A majority of the people then voted for a governor, and other state officers; for a member of Congress, and members of the state legislature. This election was warmly contested by the two political parties in Kansas, and a greater vote was polled than at any previous election. A large majority of the members of the legislature belonged to that party which had previously refused to vote. The Anti-slavery party were thus placed in the ascendant, and the political power of the state was in their own hands. Under these circumstances, the constitution framed at Lecompton, with all the officers already elected, necessary to put the state government into operation, was submitted to Congress, with a strong recommendation from the President in favour of the admission of Kansas as a state. That recommendation failed to meet their approbation. They deemed it wiser to adopt a different measure for the settlement of the question. The President, therefore, acquiesced in what was called the "English" compromise, and approved the "Act for the admission of the state of Kansas into the Union," upon the terms therein prescribed. These terms were, that a majority of the people of Kansas, at an election to be held for that purpose, should, in place of the large grants of public lands which they had demanded under the ordinance, accept such grants as had been made to Minnesota, and other new states. Under that Act, should a majority reject the proposition offered them, "it shall be deemed and held that the people of Kansas do not desire admission into the Union with said constitution, under the conditions set forth in said proposition." In that event, the Act authorises the people of the territory to elect delegates to form a constitution and state government for themselves, "whenever, and not before, it is ascertained by a census, duly and legally taken, that the population of said territory equals or exceeds the ratio of representation required for a member of the House of Representatives of the Congress of the United States." The delegates thus assembled shall first determine, by a vote, whether it is the wish of the people of the proposed state to be admitted into the Union at that time; and if so, shall proceed to form a constitution, and take all necessary steps for the establishment of a state government in conformity with the Federal constitution. After this constitution shall have been formed, Congress, carrying out the principles of popular sovereignty and non-intervention, left "the mode and manner of its approval or ratification by the people of the proposed state," to be "prescribed by law;" and they "shall then be admitted into the Union as a state, under such constitution thus fairly and legally made, with or without slavery, as said constitution may prescribe." An election was held throughout Kansas, in pursuance of the provisions of that Act, and it resulted in the rejection, by a large majority, of the proposition submitted to the people by Congress. That being the case, they were authorised to form another constitution preparatory to admission into the Union, but not until their number, as ascertained by a census, shall equal or exceed the ratio required to elect a member to the House of Representatives. This excellent provision, the President thought, ought to be extended and rendered applicable to all territories in the future, and he recommended the passage of a general Act to that effect.

The condition of the territory of Utah, contrasted with what it was



twelve months previously, was a subject of congratulation. Then it was in a state of open rebellion, and cost what it might, the character of the government required that the rebellion should be suppressed, and that the Mormons should be compelled to yield obedience to the laws. To accomplish that object—as the President had previously stated—a new governor, to supersede Brigham Young, and other federal officers, with a detachment of the army, had been sent to Utah.

The necessity for adopting these measures had become apparent. On the 15th September, 1857, Brigham Young issued his proclamation, announcing his purpose to resist, by force of arms, the entry of the United States' troops into Utah, required all the forces in the territory to "hold themselves in readiness to march at a moment's notice to repel any and all such invasion," and established martial law from its date throughout the territory.

At this time the Mormons deserted their outlying villages and farms; and those who were not needed to watch the enemy and guard the passes of the mountains, betook themselves to Great Salt Lake City, where they were edified by the sermons of the elders among the saints, exhorted to be faithful to "Brother Young," to have none but him to rule over them, and to be assured that the "poor miserable devils" who were coming among them "would be certain to go to hell as sure as they lived."

The threats embodied in the proclamation of Brigham Young were soon fulfilled. Forts Bridger and Supply were vacated and burnt down by the Mormons, to deprive the troops of a shelter after their long and fatiguing march. Orders were issued by Daniel H. Wells, styling himself "Lieutenant-General, Nauvoo Legion," to "stampede" or drive off the horses and cattle of the United States' troops on their march, to set fire to their trains, to burn the grass and the whole country before them and on their flanks, to keep them from sleeping by night surprises, and to blockade the road by felling trees, and destroying the fords of rivers.

These orders were promptly obeyed. On the 4th October, 1857, the Mormons captured and burned on Green River three supply trains, consisting of seventy-five waggons, loaded with provisions and tents for the army, and carried away several hundred animals. This diminished the supply of provisions so materially that General Johnston was obliged to reduce the ration, and even with this precaution there was only enough left to subsist the troops until the 1st of June.

The President having briefly glanced at all these matters, proceeded to speak of the admirable behaviour of the army, the energy of the Secretary of War, the efficient aid he had received from Congress, and the enthusiasm of those who had offered their services as volunteers.

"In the meantime," said he, "it was my anxious desire to avoid reference to military force. In April, 1858, two distinguished citizens, Messrs. Powell and McCulloch, were sent to Utah with a proclamation warning the inhabitants of Utah of their true condition—the hopelessness of their cause—offering a free pardon to all for past seditions and treasons upon their submission to the laws, and warning them that otherwise they would be rigorously dealt with. These agents, in their report of July 3, 1858, confirmed the opinion expressed by General Johnston in October, 1857, as to the necessity of sending reinforcements to

Utah. In it they stated they were firmly impressed with the belief that the presence of the army and the large additional force ordered to the territory were the chief inducements that caused the Mormons to abandon the idea of resisting the authority of the United States. A less decided policy," said the President, "would probably have resulted in a long, bloody, and expensive war." The President could not refrain from mentioning the valuable services of Colonel Thomas L. Kane, who from motives of pure benevolence, and without any official character or pecuniary recompense, visited Utah during the inclement winter (1857), for the purpose of contributing to the pacification of the territory. [Colonel Kane belonged to Philadelphia, was of Quaker parentage, had in former days befriended Brigham Young, lived among the Mormons at one time, had gained their confidence, and was, without a doubt, the great pacificator.]

The President stated that Governor Cumming had performed his duty in an able and conciliatory manner, and with the happiest effect. He and the civil officers were then performing their appropriate functions in Utah without resistance. The authority of the constitution and the laws had been fully restored, and peace prevailed throughout the territory. The march of the army through the Indian territory had a powerful effect in restraining the hostile feelings of the Indians, and secured, and will continue to secure, emigrants from their depredations. The land law and pre-emption system was recommended to be extended over Utah by the establishment of a land office.

The mission to China had been successful, and proved the wisdom of neutrality. In conjunction with the Russian plenipotentiary, the American minister had peacefully, but effectually, co-operated with the English and French plenipotentiaries, and each of the four powers had concluded a separate treaty with China of a highly satisfactory character. The one concluded by the American minister had been submitted to the Senate.

A new treaty had been concluded with Japan which promised materially to augment the trade and commerce of the United States.

The long-pending controversy between Great Britain and the United States relative to the question of visitation and search had been amicably adjusted. The claim had been abandoned in a manner reflecting honour on the British government, and evinced a just regard for the law of nations. It could not fail to strengthen the amicable relations between the two countries. The Clayton-Bulwer Treaty controversy was in progress of settlement, though still unadjusted.

The relations of the United States with France, Russia, as well as with the governments of all the states of Europe, except Spain, continued to be friendly.

With Spain matters remained in an unsatisfactory condition. The mission to that court had been entrusted to a distinguished citizen of Kentucky, who would proceed to Madrid to make another and final attempt to obtain justice. The President reviewed the various grievances the United States complained of to Spain, traced nearly all of them to the proximity of Cuba, declared that island was a constant source of injury and annoyance to the American people, in its then colonial condition, and argued from its geographical position—commanding the mouths of the Mississippi, and the immense and annually increasing trade, foreign and coastwise, from the valley of that



noble river, embracing half the sovereign states of the Union—that its possession would be of vast importance to the United States, whilst its value to Spain was, comparatively, unimportant. It had been made known to the world by his predecessors, that on various occasions the United States had endeavoured to acquire Cuba from Spain by honourable negotiation. They would not, if they could, acquire it in any other manner. The publicity which had been given to former negotiations upon the subject, and the large appropriation which might be required to effect that purpose, rendered it expedient, before making another attempt to renew the negotiation, to lay the whole matter before Congress. This was especially necessary, as an advance to the Spanish government, immediately after the signing of the treaty, without awaiting the ratification of the Senate, might be indispensable to success, and this advance should be entrusted to the President. The precedents for this were to be found in the purchase of Louisiana from France, and the acquisition of territory from Mexico. The claim of the Spanish government in the “Amistad case” was again pressed upon the justice of Congress.

The President next reviewed the condition of affairs in relation to the independent states south of the United States on the American continent. Mexico had been in a state of constant revolution almost ever since it achieved its independence. Heretofore, a seizure of the capital by a military chieftain had been generally followed by at least the nominal submission of the country to his rule for a brief period; but not so at the then crisis of Mexican affairs. The antagonistic parties each held possession of different states of the republic, and the fortunes of war were continually changing. Meanwhile, the most reprehensible means had been employed by both parties to extort money from foreigners, as well as natives, to carry on this ruinous contest. It was in vain for the United States to attempt to enforce payment in money of the claims of American citizens, at that time amounting to more than 10,000,000 dollars, against Mexico, because she was destitute of all pecuniary means to satisfy these demands. That state of affairs was brought to a crisis by a decree levying a contribution, *pro rata*, upon all the capital in the republic, whether held by Mexicans or foreigners. Mr. Forsyth, the American minister, advised his countrymen not to pay it, but to suffer its forcible exaction. Acting upon that advice, an American citizen refused to pay the contribution. His property was seized by armed men to satisfy the amount, and he was decreed to be banished from the country. The American minister notified them that if the decree should be carried out he would adopt the most decided measures that belonged to the powers and obligations of the representative office. The banishment was, however, enforced, and Mr. Forsyth promptly announced to the government the suspension of the political relations of his legation with Mexico until the pleasure of his own government should be ascertained. Under the circumstances, it was deemed proper by the United States government to sanction the withdrawal of the legation from the city of Mexico. Abundant cause then undoubtedly existed for a resort to hostilities against the government which held possession of the capital. Should they have succeeded in subduing the constitutional forces, all reasonable hope would have expired of a peaceful settlement of the then existing difficulties; but should the constitutional party

prevail, redress to American citizens, so far as they had the means, would undoubtedly be granted. But for this, the President would have recommended to Congress to grant him the necessary power to take possession of the remote and unsettled territory of Mexico, to be held in pledge until injuries were redressed and just demands satisfied. The stage and postal communication established between the Atlantic and Pacific possessions of the United States passed near to the Mexican boundary throughout the whole length of Arizona. Hostile Indians and lawless Mexicans might, if they possessed the will, pass the border and commit depredations on the remote American settlers. To remedy that evil—as the Mexican states of Chihuahua and Sonora were powerless to restrain these marauders—the President recommended that the government of the United States should assume a temporary protectorate over the northern portions of Chihuahua and Sonora, to be withdrawn when local governments were established in those Mexican states capable of performing their duties to the federal government.

A territorial government over Arizona was again recommended. Reference was likewise made to the political condition of the narrow isthmus of Central America, through which transit routes passed between the Atlantic and Pacific oceans. Over them a large portion of the trade and travel between the European and Asiatic continents is destined to pass. To the United States, these routes were of incalculable importance as a means of communication between their Atlantic and Pacific possessions. The latter extended throughout seventeen degrees of latitude on the Pacific coast, and embraced the important state of California, and the territories of Oregon and Washington. All commercial nations, therefore, had a deep and direct interest that these communications should be rendered secure from interruption. Whilst the rights of sovereignty of the states through which these routes passed should be respected, interruptions by their civil wars should not be allowed to retard or arrest the trade of the world through this highway. The commerce of the world was not to stand still to await the adjustment of their petty controversies. The government of the United States expected no more than this—they would be satisfied with no less. What they demanded for themselves, they were willing to share with the world. This was their whole policy and could not fail to be acceptable to all nations. A fair compensation to the states through which the routes passed, by the companies or individuals who might traverse them, they had no objection to; but should disputes arise, some fair tribunal provided for that purpose should be authorised to adjust the difficulty.

Nicaragua had failed to ratify a treaty made in 1857, by which the use and protection of the transit route would have been secured, not only to the United States, but to all other nations. The objection seemed to be to the provision authorising the United States to employ force to keep the route open, in case Nicaragua failed to perform the duty. This was an important stipulation—one essentially necessary, not only for the security of the route, but for the safety of American citizens passing to and from the Pacific, as Nicaragua was weak, and troubled with internal dissensions. Again, the knowledge of that fact would most probably prevent hostile parties from committing aggression. The passage of an Act authorising the President, under such



restrictions as might be deemed proper, to employ the land and naval forces to prevent the transit from being obstructed or closed by lawless violence, either on this route or those of Panama and Tehuantepec, was strongly recommended by the President to Congress.

Remonstrances had been made to the governments of Nicaragua and Costa Rica for injuries inflicted upon citizens of the United States, particularly those which had occurred in 1856, and the United States' minister had been instructed in 1857 to express to those governments that the President had witnessed with deep regret their inattention to these just claims, and to demand their prompt and satisfactory adjustment. Unless these demands were complied with at an early day, it would remain for the government of the United States to adopt such other measures as would be necessary to obtain for itself that justice which it had in vain attempted to secure by peaceful means from the governments of Nicaragua and Costa Rica.

A treaty for the adjustment of long standing causes of complaint against New Granada had been concluded by the Secretary of the United States and the minister of New Granada. It had been ratified by the latter government, and then awaited the action of the Senate of the United States. Should they approve of it, it would remove all the then existing causes of complaint against New Granada on the subject of claims.

Questions had arisen between the two governments as to the right of New Granada to levy a tonnage duty upon the vessels of the United States in its ports of the isthmus, and to levy a passenger tax upon citizens of the United States arriving in that country, whether with a design to remain there, or pass from ocean to ocean by the transit route; and also a tax upon the mail of the United States transported over the Panama railroad. New Granada had been informed that the United States considered the collection of either of these taxes as a violation of the treaty between the two countries, and as such would be resisted.

With the empire of Brazil the most friendly relations existed. The productions of the two countries, especially agricultural, invited extensive mutual exchanges. A large quantity of American flour was consumed in Brazil, whilst more than treble the amount in value of Brazilian coffee was used in the United States. A heavy duty had been levied, until recently, upon American flour in Brazil, but in September, 1858, this was reduced from 1 dollar, 32 cents, to about 49 cents per barrel, and other articles of American production had been diminished in nearly the same proportion. The government of Brazil still continued to levy an export duty of about eleven per cent. on coffee, notwithstanding that article was admitted free of duty into the United States. Half of the crop of Brazil was consumed in the United States, and the export tax by Brazil was a heavy charge upon her best customers, which the President hoped would induce the government of Brazil to modify if not to remove. The claims of citizens of the United States against Brazil were not in the aggregate of large amount, but as they rested upon plain principles of justice, the United States' minister at that court had been urged to procure their final adjustment.

A commissioner had been granted by Congress to proceed to Paraguay with full powers and instructions to adjust the differences between the United States and that republic, in connection with the attack on the United States' steamer

Water Witch, and other matters. Authority had also been given to use such force as might be necessary and advisable, in case peaceable measures failed. The President had thereupon made the appointment, and had ordered the Secretary of the Navy to fit out and despatch a naval force to rendezvous near Buenos Ayres, which he thought, in case of need, would be sufficient for the occasion.

The President referred to the commercial revulsion of 1857, which had produced severe suffering amongst all classes of the community. Similar causes had produced like deplorable effects throughout the commercial nations of Europe. The manufacturers of the United States everywhere suffered severely, not on account of a reduction that had taken place in the tariff of duties on imports, but because there was no demand at any price, for their productions. The people were obliged to restrict themselves in their purchases to articles of prime necessity. In the general prostration of business, the iron manufacturers suffered more than any other class, and much destitution was experienced by the great number of workmen employed in that useful branch of industry. No government, and especially a government of such limited powers as that of the United States, could have prevented such a revulsion. The whole commercial world seemed for years to have been rushing to this catastrophe. The same ruinous consequences would have followed in the United States, whether the duties upon foreign imports had remained as they were under the tariff of 1846, or had been raised to a much higher standard. The tariff of 1857 had no agency in the result. The general causes existing throughout the world could not have been controlled by the legislation of any particular country. The periodical revulsions which had existed in the past history of the United States, must continue to return at intervals, so long as the unbounded system of bank credits shall prevail. They would, however, probably be the less severe in future, because it was not to be expected that the commercial nations of Europe, with whose interests those of the United States were so materially involved, would expose themselves to similar calamities. The President reiterated his former recommendation in favour of the passage of an uniform bankrupt law, applicable to banking institutions, as the only direct power over the subject of these financial revulsions which the government possessed. In connection with that subject, he referred to the financial condition of the United States. The causes which had produced pecuniary distress throughout the country, had so reduced the amounts of imports from foreign countries into the United States, that its revenues had proved inadequate to meet the necessary expenses for its government. To supply the deficiency, Congress authorised, by Act of December, 23, 1857, the issue of 20,000,000 dollars of Treasury notes: that amount proving inadequate, they authorised, by Act of June 14, 1858, a loan of 20,000,000 dollars, "to be applied to the payment of appropriations made by law."

The President observed that it was a ruinous policy to increase the national debt to meet the ordinary expenses of the government. The true policy was to increase the revenue so as to equal the expenditure. He therefore recommended an increase of the tariff, and urged the substitution of *specific* instead of *ad valorem* duties. This change would afford additional security against frauds upon the revenue.

The receipts into the Treasury of the United States from all sources during



the fiscal year ending June 30, 1858, including the Treasury notes authorised by the Act of December 23, 1857, were 70,273,869 dollars, 59 cents; which amount, with the balance of 17,710,114 dollars, 27 cents, remaining in the Treasury at the commencement of the year, made an aggregate of 87,983,983 dollars, 86 cents. The public expenditures during the same period amounted to 81,585,667 dollars, 76 cents; of which 9,684,537 dollars, 99 cents, were applied to the payment of the public debt, and the redemption of Treasury notes, with the interest thereon; leaving in the Treasury on July 1, 1858, 6,398,316 dollars, 10 cents.

The outstanding public debt, exclusive of Treasury notes, on July 1, 1858, was 35,155,977 dollars, 66 cents. There were, at that period, 19,754,800 dollars of Treasury notes unredeemed, making the amount of actual indebtedness, July 1, 1858, 54,910,777 dollars, 66 cents.

"Comparisons," said the President, "between the annual expenditures then, and what they were ten or twenty years previous, were altogether fallacious. The rapid increase of the country in extent and population rendered a corresponding increase of expenditure, to some extent, unavoidable. New objects of expenditures, and augmentation of the old, were indispensable. The true questions were, had these objects been unnecessarily multiplied? or had the amount expended upon all, or any of them, been larger than comported with due economy? In accordance with these principles, the heads of the different executive departments of the government had been instructed to reduce their estimates for the then following fiscal year to the lowest standard consistent with the efficiency of the service: and this duty they had performed in a spirit of just economy."

The President further stated that in his annual Message of 1857 he had recommended the immediate construction of ten small steamers, of light draught, for the purpose of increasing the efficiency of the navy. Congress had responded by authorising the construction of eight of them. A still greater number was necessary, and he had therefore recommended that they should be built.

The deficit in the Post-Office Department for the fiscal year ending June 30, 1858, was more than 4,500,000 dollars; whilst it was estimated for that ending June 30, 1859, it would be nearly 6,300,000 dollars. The cause was mainly attributable to the increased expense of transporting the mails. In 1852, the sum paid for service was a fraction above 4,250,000; in 1858, it had reached more than 8,250,000; and for the service of 1859, it was estimated to amount to more than 10,000,000 dollars. The remedies recommended were, to restore the former rate of postage upon single letters to five cents; to substitute for the franking privilege, the delivery of post-office stamps for their correspondence, to those entitled to enjoy it; and to direct the department, in making contracts for the transportation of the mail, to confine itself to the payment of the sum necessary for that single purpose, without requiring it to be transported in post-coaches or carriages of any particular description.

The construction of a Pacific railroad was then referred to. The President stated that it would be inexpedient for the government of the United States to construct it by its own immediate agents, inasmuch as it would increase the patronage of the executive to a dangerous extent, and introduce a system of

jobbing and corruption which no federal-official vigilance could either prevent or detect. The President thought that companies, incorporated by the states, or other agencies, whose pecuniary interests would be directly involved, were the proper instruments for the accomplishment of such an undertaking. Congress might then assist by grants of lands, or of money, or of both, under such conditions and restrictions as would secure the transportation of troops and munitions of war, free of charge, and that of the United States' mail, at a fair and reasonable price. This they could do under the war-making power of the constitution. Political, social, and commercial considerations urged the construction of such a road. The strengthening the bonds of the Union, the opening up of the commerce of Eastern Asia, were matters that would have their weight, and should not pass unheeded. The obstacles in the way of the building of such a road were not as formidable as had heretofore been supposed, as mail stages, with passengers, were then (winter of 1858) passing and repassing twice a week by a common waggon-road between San Francisco, California, St. Louis, Missouri, and Memphis, Tennessee, in less than twenty-five days, and the service was as well performed as it had been in former years between New York and Washington.

The President then referred to the capture, in August, 1858, of a slaver, with over 300 Africans on board, their arrival in the United States, their delivery into the custody of the United States' marshal for the district of South Carolina, their incarceration in Fort Sumter for safe keeping, their transfer to the United States' war-steamer, Niagara, for transportation to Liberia, and the bargain made with the Colonisation Society for their support for one year after landing on the coast of Africa. The full particulars are worthy of historical notice. On the 21st of August, 1858, Lieutenant John N. Maffit, then commanding the United States' brig Dolphin (now, 1863, commanding the Confederate steamer Florida), captured the slaver Echo, near Kay Verde, Cuba, with over 300 Africans. The prize was sent to Charleston, and arrived on the 27th of August, when the negroes, 306 in number, were delivered into the custody of the United States' marshal for the district of South Carolina. For safe keeping they were placed in Fort Sumter, detained there until the 19th September, when the survivors, 271\* in number, were delivered on board the United States' war-steamer Niagara, for transportation to the coast of Africa, pursuant to Act of Congress of the 3rd March, 1819, for further prohibiting the slave trade, the second section of which authorised the President to make arrangements for the safe keeping, support, and removal beyond the limits of the United States of all negroes, mulattoes, or persons of colour, captured by vessels of the United States; and, furthermore, authorised him to appoint an agent, residing on the coast of Africa, to receive the captured. No provision was made by Congress for their support after their arrival in Africa. There was no portion of the coast of Africa to which they could be removed, with any regard to humanity, except to Liberia. Under the circum-

\* The number of negroes originally taken on board the Echo, from Kabenda, on the coast of Africa, was 455: 141 died on the passage previous to the capture; 8 from the capture to the delivery at Fort Sumter; 35 at Fort Sumter; 57 on board the Niagara to her arrival at Porto Grande, Cape de Verdes, on the 24th of October, 1858.



stances, the President made an agreement with the Colonisation Society to receive these Africans in Liberia from the agent of the United States, and furnish them, during the period of one year thereafter, with shelter, clothing, provisions, and medical attendance, allowing the Society 150 dollars for each man, woman, and child. Congress was recommended to make an appropriation to that effect, and to amend the law, so that other captures of a similar character may be provided for without embarrassment to the executive.

The local interests of the district of Columbia were specially commended to the attention of Congress.

The President closed by expressing his gratification that Congress had responded to the recommendation of his last annual Message, and given him time before the close of the session for the examination of all the bills presented to him for approval. The change he considered a wholesome reform, as it enabled the Congress to adjourn with that dignity and deliberation so becoming to the representatives of the great republic.

As an exposition of the differences which agitated both sections of the Union the remarks of the Hon. James H. Hammond, of South Carolina (the exponent of the views of the South), in the Senate, on the 4th March, 1858, in answer to the Hon. William H. Seward, of New York (the representative of the non-slaveholding portion of the Union, and of the Abolitionist party in general), become of importance for the due comprehension of the final outbreak which occurred at the close of Mr. Buchanan's administration.

Mr. Hammond, goaded by the remarks of Mr. Seward on the subject of negro slavery in the South, said—"I was surprised when the senator from New York so openly said 'The battle has been fought and won.' Although I knew and had long known it to be true, I was surprised to hear him say so. I was, however, glad to learn (yesterday) his words had been well considered; that they meant all that I thought they meant; that they meant that the South is a conquered province, and that the North intends to rule it. He said that it was their intention 'to take this government from unjust and unfaithful hands, and place it in just and faithful hands;' that it was their intention to consecrate all the territories of the Union to free labour; and that to effect their purposes they intended to reconstruct the Supreme Court. The senator from New York said, 'Suppose we admit Kansas with the Lecompton constitution, what guarantees are there that Congress will not again interfere with the affairs of Kansas?' meaning, I suppose, that if she abolished slavery, what guarantee was there that Congress would not force it on her again? So far as we of the South are concerned, you have at least the guarantee of good faith that never has been violated. But what guarantee have we, when you have this government in your possession, in all its departments, even if we submit quietly to what the senator exhorts us to submit to—the limitations of slavery to its present territory, and even to the reconstruction of the Supreme Court—that you will not plunder us with tariffs? that you will not bankrupt us with internal improvements and bounties on *your* exports? that you will not cramp us with navigation laws, and other laws impeding the facilities of transportation to Southern produce? What guarantee have we that you will not create a new bank, and concentrate all the finances of this country at the North, where

already, for the want of direct trade and a proper system of banking in the South, they are ruinously concentrated? Nay, what guarantee have we that you will not emancipate our slaves, or at least make the attempt? We cannot rely on your faith when you have the power. It has been always broken whenever pledged. As I am disposed to see this question settled as soon as possible, and am perfectly willing to have a final and conclusive settlement *now*, after what the senator from New York has said, I think it not improper that I should attempt to bring the North and South face to face, and see what resources each of us might have in the contingency of separate organisations.

"If we never acquire another foot of territory for the South, look at her—eight hundred and fifty thousand square miles! As large as Great Britain, France, Austria, Prussia, and Spain! Is not that territory enough to make an empire that shall rule the world? With the finest soil, the most delightful climate, whose staple productions none of those great countries can grow, we have three thousand miles of continental shore-line, so indented with bays and crowded with islands that, when their shore-lines are added, we have twelve thousand miles! Through the heart of our country runs the great Mississippi, the Father of Waters, into whose bosom are poured thirty-six thousand miles of tributary streams; and beyond we have the desert prairie wastes, to protect us in our rear. Can you hem in such a territory as that? . . . . But in this territory lies the great valley of the Mississippi, now the real, and soon to be the acknowledged, seat of the empire of the world. The sway of that valley will be as great as ever the Nile knew in the earlier ages of mankind. We own the most of it. The most valuable part of it belongs to us now; and although those who have settled above us are now opposed to us, another generation will tell a different tale. They are ours by all the laws of nature; slave labour will go over every foot of this great valley where it will be found profitable to use it, and some of those who may not use it are soon to be united with us by such ties as will make us one and inseparable. The iron horse will soon be clattering over the sunny plains of the South to bear the products of its upper tributaries to our Atlantic ports, as it now does through the ice-bound North. There is the great Mississippi, a bond of union made by nature herself. . . . . On this fine territory we have a population four times as large as that with which these colonies separated from the mother country, and a hundred, I might say a thousandfold stronger. Our population is now sixty per cent. greater than that of the whole United States when we entered into the second war of independence. It is as large as the whole population of the United States was ten years after the conclusion of that war, and our exports are three times as great as those of the whole United States then. Upon our muster-rolls we have a million of militia. In a defensive war, upon an emergency, every one of them would be available. At any time the South can raise, equip, and maintain in the field a larger army than any power of the earth can send against her, and an army of soldiers—men brought up on horseback, with guns in their hands.

"If we take the North, even when the two large states of Kansas and Minnesota shall be admitted, her territory will be one hundred thousand square miles less than ours. I do not speak of California and Oregon: there is no antagonism between the South and those countries, and never will be. The



population of the North is fifty per cent. greater than ours. I have nothing to say in disparagement either of the soil of the North, or of the people of the North, who are a brave and an energetic race, full of intellect, but they produce no great staple that the South does not produce; while we produce two or three, and those the very greatest, that she can never produce. As to her men, I may be allowed to say they have never proved themselves to be superior to those of the South, either in the field or in the senate.

“But the strength of a nation depends in a great measure upon its wealth; and the wealth of a nation, like that of a man, is to be estimated by its surplus production. You may estimate what is made throughout the country from Census-books; but it is no matter how much is made, if it is all consumed. If a man possess millions of dollars and consumes his income, is he rich? Is he competent to embark in any new enterprise? Can he build ships or railroads? And could a people in that condition build ships and roads, or go to war? All the enterprises of peace and war depend upon the surplus productions of a people. They may be happy, they may be comfortable, they may enjoy themselves in consuming what they make, but they are not rich, they are not strong. It appears, by going to the reports of the Secretary of the Treasury (1856-7), which are authentic, that in that year the United States exported, in round numbers, 279,000,000 dollars’ worth of domestic produce, excluding gold and foreign merchandise re-exported. Of this amount 158,000,000 dollars’ worth is the clear produce of the South—articles that are not, and cannot be, made at the North. There are, then, 80,000,000 dollars’ worth of exports of products of the forest, provisions, and breadstuffs. If we assume that the South made but one-third of these—and I think that is a low calculation—our exports were 185,000,000 dollars, leaving to the North less than 95,000,000 dollars. In addition to this, we sent to the North 30,000,000 dollars’ worth of cotton, which is not counted in the exports. We sent to her seven or eight million dollars’ worth of tobacco, which is not counted in the exports. We sent naval stores, lumber, rice, and many other minor articles. There is no doubt that we sent to the North 40,000,000 in addition. But, suppose the amount to be 35,000,000 dollars’ worth, it will give us a surplus production of 220,000,000 dollars. The *recorded* exports of the South now (1858) are greater than the whole exports of the United States in any year before 1856. . . . . If I am right in my calculations as to 220,000,000 dollars’ worth of surplus produce, there is not a nation on the face of the earth, with any numerous population, that can compete with us in produce *per capita*. It amounts to 16 dollars 66 cents per head, supposing we have twelve million people. England, with all her accumulated wealth, with her concentrated and educated energy, makes under 16 dollars 50 cents of surplus production. I have not made a calculation as to the North, with her 95,000,000 dollars surplus. Admitting that she exports as much as we do, with her eighteen millions of population, it would be but little over 12 dollars per head. But she cannot export to us and abroad exceeding 10 dollars a head, against our 16 dollars. I know that the North sends to the South a vast amount of the productions of her industry. I take it for granted that she, at least, pays us in that way for the thirty or forty million dollars’ worth of cotton and other

articles we send her. I am willing to admit that she pays us considerably more; but to bring her up to our amount of surplus production, to bring her up to 220,000,000 dollars a year, the South must take from her 125,000,000 dollars; and this in addition to our share of the consumption of the 333,000,000 dollars' worth introduced into the country from abroad, and paid for chiefly by our exports. The thing is absurd—it is impossible! . . . .

“With an export of 220,000,000 dollars' worth under the tariff of 1846, the South, organised separately, would have 40,000,000 dollars of revenue. With one-fourth that tariff, she would have a revenue adequate to all her wants, for the South would never go to war; she would never need an army or a navy beyond a few garrisons on the frontiers, and a few revenue cutters. It is commerce that breeds war. It is manufactures, that require to be hawked about the world, and give rise to navies and commerce. But we have nothing to do but to take off restrictions on foreign merchandise and open our ports, and the whole world will come to us to trade. They will be too glad to bring and carry for us, and we shall never dream of a war. Why, the South has never yet had a just cause of war! Every time she has drawn her sword it has been on the point of honour, and that point of honour has been mainly loyalty to her sister colonies and sister states, who have ever since plundered and calumniated her. . . . . The greatest strength of the South arises from the harmony of the political and social institutions. This harmony gives her a frame of society the best in the world, and an extent of political freedom, combined with entire security, such as no other people ever enjoyed upon the face of the earth. Society precedes government, creates it, and ought to control it; but as far as we can look back in historic times we find the case different; for government is no sooner created than it becomes too strong for society, and shapes and moulds as well as controls it. In later centuries the progress of civilisation and of intelligence has made the divergence so great, as to produce civil wars and revolutions; and it is nothing now but the want of harmony between governments and societies which occasions all the uneasiness, and trouble, and terror that we see abroad. It was this that brought on the American Revolution. We threw off a government not adapted to our social system, and made one for ourselves. The question is, how far have we succeeded? The South, as far as that is concerned, is satisfied, harmonious, and prosperous.

“In all social systems there must be a class to do the menial duties, to perform the drudgery of life; that is, a class requiring but a low order of intellect, and but little skill. Its requisites are vigour, docility, fidelity. Such a class you must have, or you would not have that other class which leads progress, civilisation, and refinement. It constitutes the very mud-sill of society and of political government; and you might as well attempt to build a house in the air, as to build either the one or the other, except on this mud-sill. Fortunately for the South, she found a race adapted to that purpose to her hand—a race inferior to her own, but eminently qualified in temper, in vigour, in docility, in capacity to stand the climate, to answer all her purposes. We use them for our purpose, and call them slaves. We found them slaves by the ‘common consent of mankind,’ which, according to Cicero, *‘lex naturæ est,’* the highest proof of what is nature's law. We are old-fashioned at the



South yet ; it is a word discarded now by ' ears polite.' I will not characterise that class at the North by that term ; but you have it—it is there—it is everywhere—it is eternal.

" The senator from New York said that the whole world had abolished slavery. Ay, the *name*, but not the *thing* ; all the powers of the earth cannot abolish it. God only can do it, when He repeals the *fiat*, ' The poor ye always have with you.' . . . . We do not think whites should be slaves either by law or necessity. Our slaves are black, of another and inferior race. The *status* in which we have placed them is an elevation. They are elevated from the condition in which God first created them by being made our slaves. None of that race on the whole face of the globe can be compared with the slaves of the South. They are happy, content, unaspiring, and utterly incapable, from intellectual weakness, ever to give us any trouble from their aspirations. . . . .

" Transient and temporary causes have thus far been your preservation. The great West has been open to your surplus population, and your hordes of semi-barbarian immigrants, who are crowding in year by year. They make a great movement, and you call it progress. Whither ? It is progress, but it is progress towards vigilance committees. The South has sustained you in a great measure. You are our factors ; you bring and carry for us : 150,000,000 dollars of our money passes annually through your hands. Much of it sticks ; all of it assists to keep your machinery together and in motion. Suppose we were to discharge you ; suppose we were to take our business out of your hands—we should consign you to anarchy and poverty !

" You complain of the rule of the South ; that has been another cause that has preserved you. We have kept the government conservative to the great purposes of government. We have placed her, and kept her, upon the constitution, and that has been the cause of your peace and prosperity. The senator from New York says that that is about to be at an end ; that you intend to take the government from us ; that it will pass from our hands. Perhaps what he says is true—it may be ; but do not forget—it can never be forgotten, it is written on the brightest page of human history—that we, the slave-holders of the South, took our country in her infancy, and after ruling her for sixty out of the seventy years of her existence, we shall surrender her to you without a stain upon her honour, boundless in prosperity, incalculable in her strength, the wonder and admiration of the world. Time will show what you will make of her, but no time can ever diminish our glory, or your responsibility."

Mr. Hammond's warnings were unheeded. The conflict, as Mr. Seward truly said, was " irrepressible," and, in two short years from the time at which these memorable words were spoken, broke out with a fury which astonished, and still astonishes, the world.

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## CHAPTER IV.

MEETING OF CONGRESS.—THE "JOHN BROWN CONSPIRACY."—PRESIDENT'S MESSAGE.—SLAVERY.—FOREIGN AFFAIRS.—UNSETTLED STATE OF MEXICO.—THE POST-OFFICE DEFICIT.—FINANCIAL STATEMENT.

THE first session of the thirty-sixth Congress convened at Washington, on the first Monday of December, 1859. The House of Representatives proceeded to the canvass for a Speaker, when the Hon. Galusha A. Grow, of Pennsylvania, was elected. Both Houses being organised, and having acquainted the President thereof, he transmitted, in writing, his annual Message.

An event, however, had occurred in the interval which not only modified the purport and scope of the document, but exercised a powerful influence on the fate of the Union. This was no other than the famous attempt of John Brown, formerly of Kansas, to revolutionise the South. His conspiracy constituted altogether one of the most surprising and startling episodes in the history of the Union. A fanatical opponent of negro slavery, stimulated to desperation by the constant teachings and intemperate appeals of wild enthusiasts, unrestrained by the constitution and laws of the land, by the appeals of humanity or of mercy, John Brown formed a conspiracy to make a sudden descent upon the people of Harper's Ferry, to rob the arsenal, plunder the public property, and stir up servile insurrection. The plan devised, and the mode of executing it, were such as to promise every hope of success. The conspirators rented a farm in the state of Maryland, within a few miles of Harper's Ferry, where they remained for some months, apparently following peaceful pursuits; during which time they took effectual means to conciliate the kind feelings of the people of the adjacent country, and particularly those of Harper's Ferry. They became perfectly familiar with all the localities of the place, streets, houses, arsenals, and workshops, so that the contemplated seizure might be effected at any hour of the night, without confusion or any unusual movement calculated to attract attention or arouse suspicion. They knew perfectly the universal and unsuspecting security of the entire population. Up to the night of that attack, there never was a man within the commonwealth of Virginia who went to bed with the slightest apprehension of danger from attack by citizens of the United States in any number, from any region, or for any purpose whatever. The sense of profound security was perfect and absolute. Having had, also, no apprehension whatever from the slave population (and this assurance was fully justified by the event), nothing could have been more favourable for the consummation of the designs of the conspirators. Having cut the telegraph wires, they entered, under the cover of night, unmolested and unobserved, into the village, seized upon the solitary watchman placed at the arsenal as protection against fire only, and possessed themselves speedily of all the buildings containing arms or suitable for defence. The next movement was to seize the principal citizens of the place, with whom their long residence near there had made them acquainted, and confine them securely under their own control. These arrests were made singly, and in every instance by several armed men, who conveyed





VIEW OF THE MOUNTAIN SIDE

From the Mountain side





their prisoners to the place of confinement. This process was carried on throughout the night, and extended not only to the village, but to the country around. When the morning came, and the state of things was partially discovered, the people of the village gathered to the scene of confusion about the arsenal. The conspirators now commenced a fire upon the citizens. Then, for the first time, did the full enormity of the designs of these men appear; and, strange as it may seem, it was only then discovered that the citizens of the place were almost wholly without arms and ammunition. Presently, however, a few muskets, rifles, and other implements, were found, when the men of the village, and those who had assembled from the neighbourhood, arming themselves, immediately returned the fire of the assailants with such effect that in the course of a few hours they were driven from their positions, and all either killed or wounded, with the exception of their leader and half-a-dozen others of his party, who were driven into an engine-house, whither they fled for security. They carried along with them ten or twelve of the prisoners they had taken the night before, who were to be used as hostages, as the robbers alleged, to prevent the fire of the citizens outside from being directed towards themselves in the house where they had taken shelter. By the time the intelligence of the outbreak reached Washington, the most exaggerated accounts prevailed of the state of things at Harper's Ferry, and the number of persons engaged in it. Prompt measures were immediately taken by the government, and Brevet-Colonel Robert E. Lee, of the 1st cavalry (now, 1863, commander-in-chief of the army of Northern Virginia), was at once summoned to take command of a detachment of marines and two companies of volunteers from Frederick, Maryland, who had promptly offered their services. The troops left by the afternoon train, and taking up the volunteers on the way, reached the scene of action during the night. The next morning, at an early hour, Colonel Lee gave orders to the marines to attack and carry the house where the conspirators were strongly barricaded, which was very promptly and gallantly done, with the loss of one man killed and another wounded. The conspirators, among whom was John Brown, the leader, were given up to the authorities of the state of Virginia, tried by her laws (having been furnished with eminent counsel), found guilty, and were condemned to suffer death by hanging. The sentence was duly carried into execution. Thus ended the John Brown raid. Its consequences are even yet but partially developed.

The President commenced his Message by stating that deep and heartfelt gratitude was due to that Almighty Power which had bestowed upon the people of the United States such varied and numerous blessings throughout the past year. The general health of the country had been excellent, the harvests had been unusually plentiful, and prosperity smiled throughout the land. Exposed to many threatening and alarming difficulties as the country had been in its progress, on each successive occasion the impending cloud had been dissipated at the moment it appeared ready to burst upon it. The President then proceeded to state that he would not refer in detail to the recent sad and bloody occurrences at Harper's Ferry. "These events," said the President, "however bad and cruel in themselves, derive their chief importance from the apprehension that they are but symptoms of an incurable disease in the

public mind, which may break out in still more dangerous outrages, and terminate at last in an open war by the North to abolish slavery in the South." Whilst the President himself did not entertain any such apprehension, he thought they ought to afford a solemn warning to all to beware of the approach of danger. The Union was a stake of such inestimable value as to demand the constant care and vigilance of all for its preservation. In that view of the subject it ought never to be forgotten that, however great may have been the political advantages resulting from the Union to every portion of the country, those would all prove to be as nothing should the time ever arrive when they could not be enjoyed without serious danger to the personal safety of the people of fifteen members of the confederacy. If the peace of the domestic fireside throughout those states should ever be invaded, if the mothers of families within that extensive region should not be able to retire to rest at night without suffering dreadful apprehensions of what might be their own fate and that of their children before the morning, it would be in vain to recount to such a people the political benefits which result to them from the Union. Self-preservation is the first instinct of nature; and therefore any state of society in which the sword is at all times suspended over the heads of the people, must at last become intolerable.

The President congratulated his fellow-citizens upon the final settlement by the Supreme Court of the United States of the question of slavery in the territories. The right had been established of every citizen to take his property of any kind, including slaves, into the common territories belonging equally to all the states of the Confederacy, and to have it protected there under the federal constitution.

He went on to state that all lawful means at his command had been, and should continue to be, employed to execute the laws against the African slave trade; that after a most careful and rigorous examination of the coasts of the United States, and a thorough investigation of the subject, he had not been able to discover any evidence that any slaves had been imported into the country, except the cargo by the *Wanderer*, numbering between three and four hundred. Those engaged in that unlawful enterprise had been rigorously prosecuted, but not with as much success as their crimes had deserved. The President then proceeded to cite the various Acts of Congress condemnatory of the African slave trade, and argued in favour of the wisdom of those measures. "Reopen the slave trade," said he, "and it would be difficult to determine whether the effect would be more deleterious on the interests of the master or on those of the native-born slave."

The wisdom of the policy adopted towards China was next adverted to. The United States had preserved a neutral position in the war waged by Great Britain and France against the Chinese empire. The result was that satisfactory treaties had been concluded with China by the respective ministers of the United States, Great Britain, France, and Russia. The treaty of the former was concluded at Tientsin on the 18th June, 1858, and was ratified by the President, with the consent of the Senate, on the 21st of December following. On the 15th December, 1858, John E. Ward, a distinguished citizen of Georgia, was duly commissioned as envoy extraordinary and minister plenipotentiary to



China. He left the United States for the place of his destination on the 5th February, 1859, bearing with him the ratified copy of the treaty, but did not arrive at Pekin until the 27th July. According to the terms of the treaty the ratifications were to be exchanged before the 18th June, but the Chinese authorities at Shanghai assured him no advantage should be taken of the delay. The pledge was kept. On the arrival of Mr. Ward at Pekin he requested audience of the emperor, to present his letter of credence. This he did not obtain, in consequence of his very proper refusal to submit to the humiliating ceremonies required by the etiquette of this strange people in approaching their sovereign. When the presentation to his majesty was found to be impossible, the letter of credence was received with peculiar honours by Kweiliang, "the emperor's prime minister, and the second man in the empire to the emperor himself." The ratifications of the treaty were afterwards, on the 16th August, exchanged in proper form at Pei-tsang. The Chinese authorities acted throughout in good faith and in a friendly spirit towards the United States. To carry out the treaty two supplemental conventions—the one for the adjustment and satisfaction of the claims of American citizens, and the other to fix the tariff on imports and exports, and to regulate the transit duty and trade between the two countries, were necessary. This had been satisfactorily performed by the United States' minister.

The President observed that the difficulties with the republic of Paraguay had been satisfactorily adjusted without the necessity of employing the force which Congress had placed at his disposal in case of necessity. The exhibition of the force had had the most salutary effect.

The relations of the United States with the great empires of France and Russia, as well as with all other governments on the continent of Europe, unless Spain might be excepted, continued, he said, to be of the most friendly nature.

The unsatisfactory condition of the relations with Spain, presented in a former Message, still continued. The failure to discharge a claim against the United States in favour of that kingdom had been employed by the cabinet at Madrid as a reason against the settlement of claims of citizens of the United States against Spain. An appropriation is again recommended to pay to the Spanish government for the purpose of distribution among the claimants in the Amistad case. This was required by the treaty of 1795. The purchase of the Island of Cuba was then urged on the Congress, and a recognition of the policy of that measure was asked of that body, so that negotiations might be instituted.

The President had hoped to have announced that the difficulties with Great Britain, arising out of the Clayton-Bulwer Treaty, had been satisfactorily adjusted; but from causes not anticipated by the British government, it had not been accomplished. It was confidently expected the good work would soon be accomplished. Allusion was then made to another difficulty with Great Britain, arising out of the adverse claims of the two governments to the Island of San Juan, under the Oregon Treaty of 1846. This matter was in course of negotiation between the two governments. To prevent collision the governor of Washington territory had been instructed by the government of the United States "that the officers of the territory should abstain from all acts on the

disputed grounds which were calculated to provoke any conflicts, so far as it could be done without implying the concession to the authorities of Great Britain of an exclusive right over the premises. The title ought to be settled before either party should attempt to exclude the other by force, or exercise complete and exclusive sovereign rights within the fairly disputed limits." Serious altercations had taken place, and danger of collision being apprehended, the President despatched Lieut.-General Scott on the 17th September, 1859, to take command of the United States' forces on the Pacific coast should he deem it necessary. The main object of his mission was to carry out the spirit of the precautionary arrangement between the (late) Secretary of State and the British minister, and thus to preserve the peace, and prevent collision between the British and American authorities, pending the negotiations between the two governments. General Scott had returned from his mission, having successfully accomplished its objects, and there was no longer any good reason to apprehend farther difficulties during the pendency of the negotiations.

The President regretted to say that there had been no improvement in the affairs of Mexico since his last annual Message. At that time he had communicated to Congress the suspension of official relations with that government. Since then, however, he had employed a reliable agent to visit Mexico and to report the actual condition of things in that republic. That country had been a prey to civil war, and different cliques had been contending for the supremacy. In consequence of the report of that agent, and from information which reached him from other sources favourable to the prospects of the constitutional cause, the President felt justified in appointing a new minister to Mexico, who might embrace the earliest suitable opportunity to restore diplomatic relations with that republic. For that purpose he had selected a distinguished citizen of Maryland, who proceeded on his mission on the 8th of March, 1859, with discretionary power to recognise the government of President Juarez, if on his arrival in Mexico he should find it entitled to such recognition, according to the established practice of the United States. On the 7th April following, Mr. McLane presented his credentials to President Juarez, having no hesitation "in pronouncing the government of Juarez to be the only existing government of the republic." He was cordially received by the authorities at Vera Cruz, and they had ever since manifested the most friendly disposition towards the United States. The constitutional government, although supported by a large majority of the people and the states, had not been able to establish its power over the whole republic. General Miramon maintained himself at the capital; and in some of the distant provinces there were military governors who paid little respect to the decrees of either government. The excesses usually attendant on civil war were constantly recurring. American citizens had been seized, plundered, and murdered. Large numbers of them had been arrested and imprisoned without any form of examination or any opportunity for a hearing, and even when released had only obtained their liberty after much suffering and injury, and without any hope of redress. To remedy these difficulties the President recommended Congress to pass a law authorising him, under such conditions as they may think expedient, to employ a sufficient military force to enter Mexico for the purpose of obtaining indemnity for the past and security



for the future. This force, the President suggested, might co-operate with the constitutional government of Mexico, and would enable it soon to reach the city of Mexico, so as to extend its power over the whole republic. In that event the just claims of citizens of the United States would be satisfied, and adequate redress obtained for the injuries inflicted upon them. The constitutional government had ever evinced a strong desire to do justice in the premises, and this might be secured in advance by a preliminary treaty. It might be said that these measures would, indirectly, be inconsistent with the wise and settled policy of the country, not to interfere in the domestic concerns of foreign nations, but the President argued that case constituted an exception!

A territorial government for Arizona was recommended, and authority was asked for the President to establish one or more military posts across the Mexican line in Sonora and Chihuahua, to protect the lives and property of American and Mexican citizens against the incursions and depredations of the Indians.

A treaty had been concluded, bearing date on the 16th March, 1859, between the United States and Nicaragua, and which the Nicaraguan Congress had ratified. It would be submitted to the Senate of the United States for their ratification. Its provisions should be acceptable to the people of both countries. The claims of the United States against Nicaragua and Costa Rica remained unredressed, though they had been pressed in an earnest manner, and were not without hope of success.

The President urged Congress to grant him authority to employ the naval force to protect American merchant vessels, their crews and cargoes, against violent and lawless seizure and confiscation in the ports of Mexico and the Spanish American states, when these countries might be in a disturbed and revolutionary condition; also, like authority for the purpose of protecting the lives and property of American citizens passing in transit across the Panama, Nicaragua, and Tehuantepec routes. The lives of many American citizens, the security of vast amounts of treasure passing and repassing over one or more of these routes between the Atlantic and Pacific, was deeply involved in the action of Congress on that subject. The President proceeded to argue that the grant of such authority would not be in derogation of the constitution, which conferred upon Congress the sole and exclusive power "to declare war."

The thirty-fifth Congress terminated on the 3rd of March, 1859, without having passed the "Act making appropriations for the service of the Post-Office Department during the fiscal year ending June 30, 1860." That Act also contained an appropriation "to supply deficiencies in the revenue of the Post-Office Department for the year ending June 30, 1859." It was the first instance since the origin of the Federal government when any Congress went out of existence without having passed all the appropriation bills necessary to carry out the government until the regular period for the meeting of a new Congress. Had the omission occurred at the first session of Congress, the remedy would have been plain. An extra session would immediately have been called to complete their work, and that without expense to the government. But on the 4th of March, 1859, there were fifteen of the thirty-three states which had not then elected any representatives to the thirty-sixth Congress, and if an extra

session had been called, these states would have been virtually disfranchised. Only one resource remained in the midst of these embarrassments. After the amount due to each contractor had been ascertained, and finally settled according to law, it became a specific debt of record against the United States, which enabled them to borrow money on this unquestionable security. The President recommended the passage of a Bill, at as early a day as practicable, to provide for the payment of the amount, with interest from the date of the debt until payment was made. To enable the President to convene a full Congress in any emergency, it was recommended to carry into effect the provisions of the constitution on that subject, and for that purpose to appoint some day previous to the 4th of March in each year of odd number for the election of representatives throughout all the states.

The President again called the attention of Congress to the necessity for the construction of the Pacific railroad, and reiterated the views he had expressed in his last Message.

It was extremely doubtful, in the opinion of the President, to pass through the fiscal years 1859-60, and 1860-61, without providing additional revenue. He therefore recommended an increase of the duties on imports.

The receipts into the Treasury from all sources during the fiscal year ending 30th June, 1859, including the loan authorised by the Act of 14th June, 1858, and the issues of Treasury notes authorised by existing laws, were 81,692,471 dollars, 1 cent; which sum, with the balance of 6,398,316 dollars, 10 cents, remaining in the Treasury at the commencement of that fiscal year, made an aggregate for the service of the year of 88,090,787 dollars, 11 cents. The public expenditure during the fiscal year ending June 30, 1859, amounted to 83,751,511 dollars, 57 cents. Of this sum 17,405,285 dollars, 44 cents, were applied to the payment of interest on the public debt and the redemption of the issues of Treasury notes. The expenditures for all other branches of the service during that fiscal year, were, therefore, 66,346,226 dollars, 13 cents.

The expenditure of the Post-Office Department for the fiscal year ending June 30, 1859, exclusive of payments for mail-service, specially provided for by Congress out of the general treasury, amounted to 14,964,493 dollars, 33 cents; and its receipts to 7,968,484 dollars, 7 cents; showing a deficiency to be supplied from the Treasury of 6,996,009 dollars, 26 cents, against 5,235,677 dollars, 15 cents, for the year ending June 30, 1858. The increased cost of transportation growing out of the expansion of the service required by Congress explained the rapid augmentation of the expenditure.

The President concluded by commending to the just liberality of Congress the local interests of the district of Columbia.



## CHAPTER V.

THE PRESIDENTIAL ELECTION.—THE REPUBLICAN CONVENTION NOMINATE ABRAHAM LINCOLN.—LINCOLN ELECTED TO THE PRESIDENCY.—SOUTH CAROLINA WITHDRAWS FROM THE UNION, AND DECLARES HER INDEPENDENCE.—LETTERS BY GENERAL SCOTT ON THE SOUTHERN FORTS.

THE quadrennial election for President and Vice-President, by far the most important in its present and future results that ever occurred, took place on the 6th of November, 1860. There were four parties in the field:—the Republican National party (anti-slavery), whose standard-bearers were Abraham Lincoln, of Illinois, for President, and Hannibal Hamlin, of Maine, for Vice-President. The National Democratic (Douglas) party (pro-slavery), represented by Stephen A. Douglas, of Illinois, and Herschel V. Johnson, of Georgia. The National Democratic (Breckinridge Southern Rights) party (pro-slavery), led by John C. Breckinridge, of Kentucky, and Joseph Lane, of Oregon; and the Constitutional Union party (pro-slavery), represented by John Bell, of Tennessee, and Edward Everett, of Massachusetts.

On the 16th of May, the Republican National Convention met at Chicago, in a large building put up for the purpose, and called the "Wigwam." The doors were opened at eleven o'clock. Long before that hour the concourse of people assembled around the doors numbered many thousands more than could gain admittance to the building. As soon as the doors were opened the entire body of the "Wigwam" was solidly packed with men. The seats in the galleries were equally closely packed with ladies. The interior of the hall was decorated with evergreen, statuary, and flowers, and presented a striking appearance. There were not less than ten thousand persons in the building, while the open doors displayed to view crowds in the streets unable to obtain more than a glimpse inside of the hall.

The Convention was called to order by Governor Morgan, of New York, Chairman of the National Committee, who named the Hon. David Wilmot, of Pennsylvania, for temporary President.

Mr. Wilmot addressed the Convention briefly, returning thanks for the high honour conferred upon him. It was unnecessary for him to remind the Convention of the high duty devolved upon them. A great sectional interest had for years dominated with a high hand over the affairs of the country. It had bent all its energy to the extension and naturalisation of slavery. It was the mission of the Republican party to oppose this policy, and restore to the government the policy of the revolutionary fathers; to resist the dogma that slavery exists wherever the constitution extends. That constitution was not ordained to embrace slavery within all the limits of the country. The Father of American Independence lived and died in the faith that slavery was a blot, and would soon be washed out. Had they deemed that the Revolution was to establish a great slave empire, not one would have drawn the sword in such a cause. The battle was fought to establish freedom. Slavery was sectional—freedom was national!

The Convention then appointed committees on business and credentials.

On Thursday morning the Convention met at ten o'clock. The greatest

enthusiasm was manifested, both inside and outside of the "Wigwam." The entire day was consumed in the consideration of the proper rules to be adopted for the government of the Convention, and in discussing the resolutions reported from the Committee of Resolutions. It was agreed that a *majority* should nominate the candidates. The following resolutions were adopted by the Convention as the platform of the Republican party :—

"*Resolved*,—That we, the delegated representatives of the Republican electors of the United States, in convention assembled, in the discharge of the duty we owe to our constituents and our country, unite in the following declarations :—

"1st. That the history of the nation during the last four years has fully established the propriety and necessity of the organisation and perpetuation of the Republican party, and that the causes which called it into existence are permanent in their nature, and now, more than ever before, demand its peaceful and constitutional triumph.

"2nd. That the maintenance of the principles promulgated in the Declaration of Independence, and embodied in the federal constitution, is essential to the preservation of our republican institutions; that the federal constitution, the rights of the states, and the union of the states, must and shall be preserved; and that we reassert 'these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.'

"3rd. That to the Union of the States this nation owes its unprecedented increase in population, its surprising development of material resources, its rapid augmentation of wealth, its happiness at home, and its honour abroad; and we hold in abhorrence all schemes for disunion, come from whatever source they may; and we congratulate the country that no Republican member of Congress has uttered or countenanced a threat of disunion, so often made by Democratic members of Congress without rebuke, and with applause from their political associates; and we denounce those threats of disunion, in case of a popular overthrow of their ascendancy, as denying the vital principles of a free government, and as an avowal of contemplated treason, which it is the imperative duty of an indignant people strongly to rebuke and for ever silence.

"4th. That the maintenance inviolate of the rights of the states, and especially the right of each state to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political faith depends, and we denounce the lawless invasion by armed force of any state or territory, no matter under what pretext, as among the gravest of crimes.

"5th. That the present Democratic administration has far exceeded our worst apprehensions, in its measureless subserviency to the exactions of a sectional interest, as is especially evident in its desperate exertions to force the infamous Lecompton constitution upon the protesting people of Kansas; in construing the personal relation between master and servant to involve an unqualified



property in persons ; in its attempted enforcement everywhere, on land and sea, through the intervention of Congress and the federal courts, of the extreme pretensions of a purely local interest ; and in its general and unvarying abuse of the power intrusted to it by a confiding people.

"6th. That the people justly view with alarm the reckless extravagance which pervades every department of the federal government ; that a return to rigid economy and accountability is indispensable to arrest the system of plunder of the public treasury by favoured partisans ; while the recent startling developments of fraud and corruption at the federal metropolis, show that an entire change of administration is imperatively demanded.

"7th. That the new dogma that the constitution, of its own force, carries slavery into any or all the territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous expositions, and with legislative and judicial precedent—is revolutionary in its tendency, and subversive of the peace and harmony of the country.

"8th. That the normal condition of all the territory of the United States is that of freedom ; that as our republican fathers, when they had abolished slavery in all our national territory, ordained that no person should be deprived of life, liberty, or property, without the process of law, it becomes our duty by legislation, whenever such legislation is necessary, to maintain this provision of the constitution against all attempts to violate it ; and we deny the authority of Congress, of a territorial legislature, or of any individuals, to give legal existence to slavery in any territory of the United States.

"9th. That we brand the recent reopening of the African slave trade, under the cover of our national flag, aided by perversions of judicial power, as a crime against humanity, a burning shame to our country and age ; and we call upon Congress to take prompt and efficient measures for the total and final suppression of that execrable traffic.

"10th. That in the recent vetoes by their federal governors, of the acts of the legislatures of Kansas and Nebraska, prohibiting slavery in those territories, we find a practical illustration of the boasted Democratic principle of non-intervention and popular sovereignty, embodied in the Kansas and Nebraska bill, and a denunciation of the deception and fraud involved therein.

"11th. That Kansas should of right be immediately admitted as a state, under the constitution recently formed and adopted by her people, and accepted by the House of Representatives.

"12th. That while providing revenue for the support of the general government by duties upon imposts, sound policy requires such an adjustment of these imposts as to encourage the development of the industrial interest of the whole country, and we commend that policy of national exchanges which secures to the working man liberal wages, to agriculture remunerating prices, to mechanics and manufacturers an adequate reward for their skill, labour, and enterprise, and to the nation commercial prosperity and independence.

"13th. That we protest against any sale or alienation to others of the public lands held by actual settlers, and against any view of the free homestead policy which regards the settlers as paupers or supplicants for public bounty ; and we

demand the passage by Congress of the complete and satisfactory homestead measure which has already passed the House.

"14th. That the Republican party is opposed to any change in our naturalisation laws, or any state legislation by which the rights of citizenship hitherto accorded to immigrants from foreign lands shall be abridged or impaired; and in favour of giving a full and efficient protection to the rights of all classes of citizens, whether native or naturalised, both at home and abroad.

"15th. That appropriations by Congress for river and harbour improvements, of a national character, required for the accommodation and security of an existing commerce, are authorised by the constitution and justified by an obligation of the government to protect the lives and property of its citizens.

"16th. That a railroad to the Pacific Ocean is imperatively demanded by the interests of the whole country; that the federal government ought to render immediate and efficient aid in its construction, and that, as preliminary thereto, a daily overland mail should be promptly established.

"17th. Finally, having thus set forth our distinctive principles and views, we invite the co-operation of all citizens, however differing on other questions, who substantially agree with us in their affirmance and support."

A scene of wild excitement followed the adoption of the "platform," the immense multitude rising and giving round after round of applause; ten thousand voices swelled into a roar so deafening that, for several minutes, every attempt to restore order was vain. The multitude outside took up and re-echoed the cheers, making the scene of enthusiasm and excitement unparalleled in any similar gathering.

On Friday morning the "Wigwam" was closely packed for a full hour before the Convention assembled. The interest in the proceedings appeared on the increase as the time for balloting approached. A crowd, numbered by thousands, had been outside the building since nine o'clock, anxiously awaiting intelligence from the inside. Arrangements had been made for passing the result of the ballots up from the platform to the roof of the building, and through the skylight, men being stationed above to convey speedily the intelligence to the multitude in the streets.

A large procession was formed by the various delegations, to march to the hall, preceded by bands of music. As the delegates entered, the several distinguished men were greeted with rounds of applause by the audience. The Convention then voted to proceed to ballot for a candidate for the President of the United States.

Wm. M. Evarts, of New York, said he did not rise for the purpose of making a speech, but only to ask, "if at this time it is in order to put candidates in nomination?"

The President—"The Chair considers it in order to name candidates without debate."

Wm. M. Evarts rose and said—"I beg leave to offer the name of William H. Seward as a candidate before this Convention, for the nomination of President of the United States." This nomination was received with loud and long-continued applause.



Mr. Judd, of Illinois, rose and said—"Mr. President, I beg leave to offer, as a candidate before this Convention for President of the United States, the name of Abraham Lincoln, of Illinois." The crowded audience greeted this nomination with perfectly deafening applause, the shouts swelling into a perfect roar, and being continued for several minutes, the wildest excitement prevailing.

Mr. Dudley, of New Jersey, presented the name of William L. Dayton.

Governor Reeder, of Pennsylvania—"The state of Pennsylvania desires to present, as her candidate, the name of Simon Cameron."

Mr. Carter, of Ohio, put forward the name of Salmon P. Chase, of Ohio.

Mr. Smith, of Maryland—"I am instructed by the state of Indiana to second the nomination of Abraham Lincoln." (Here there was another outburst of enthusiastic applause from the body of the hall, though not unmingled with hisses.)

Francis P. Blair, of Missouri, nominated Edward Bates, of Missouri.

Mr. Blair, of Michigan, said—"On the part of Michigan, I desire to say that the Republicans of that state second the nomination of William H. Seward for the Presidency." Tremendous applause followed this speech, thousands of those present rising and waving their hats and handkerchiefs, and swelling the applause to a thundering roar through several minutes.

Mr. Corwin, of Ohio, nominated John McLean, of Ohio. (Loud applause.)

Carl Schurz, of Wisconsin, on the part of his state, here rose and seconded the nomination of W. H. Seward. Upon this another scene of the greatest enthusiasm and tumultuous excitement ensued.

Mr. North, of Minnesota, also seconded, on the part of Minnesota, the nomination of Mr. Seward.

Mr. Wilson, of Kansas—"The delegates and people of Kansas second the nomination."

Mr. Delano, of Ohio, on the part of a large number of people of Ohio—"I desire to second the nomination of the man who can split rails and maul Democrats, Abraham Lincoln."

A delegate from Iowa also seconded the nomination of Mr. Lincoln, on the part of that state, amidst renewed applause.

A Voice—"Abe Lincoln has it by the sound now. Let us ballot."

Judge Logan, of Illinois—"Mr. President, in order or out of order, I propose this Convention and audience give three cheers for the man who is evidently their nominee."

The President—"If the convention will get over this irrepressible excitement, the roll will be called."

After some further excitement the calling of the roll commenced, the applause at the different announcements being with difficulty checked. When Maryland was called, the chairman of the delegation cast the vote of the state for Bates, two delegates claiming their right to individual votes. After some discussion the Convention rejected the votes as cast by the chairman, and received the votes of the delegates separately.

On the first ballot Mr. Seward received 173½ votes; Mr. Lincoln, 102; and Mr. Bates, 48. The balance was divided between Messrs. Cameron, Chase, McLean, Wade, &c. &c. The states voting for Mr. Lincoln were Illinois,

Indiana, and, in part, Maine, New Hampshire, Massachusetts, Connecticut, Pennsylvania, Virginia, Kentucky, Ohio, and Iowa.

The second ballot was then taken. For Mr. Lincoln, New Hampshire cast 9 votes; Vermont, 10; Rhode Island, 3; Pennsylvania, 48; Delaware, 6; Kentucky, 9; Ohio, 14; and Iowa, 5. The whole vote for Lincoln was 181. For Mr. Seward, Massachusetts cast 22 votes; New Jersey, 4; Pennsylvania, 2½; Kentucky, 7; Texas, 6; and Nebraska, 3. The whole vote for Mr. Seward was 184½. Bates received 35 votes; McLean, 8; Chase, 42½; Cameron, 2; Dayton, 10; and C. M. Clay, 2. Mr. Cameron's name was then withdrawn.

The third ballot was taken amid excitement and cries for "the ballot." For Mr. Lincoln, Massachusetts cast 8 votes; Rhode Island, 5; New Jersey, 8; Pennsylvania, 52; Maryland, 9; Kentucky, 13; Ohio, 29; and Oregon, 14. This gave Lincoln 230½ votes, or within 1½ of a nomination.

Mr. Andrew, of Massachusetts, then corrected the vote of Massachusetts, by giving four votes to Lincoln, thus nominating him by 2½ majority.

The Convention immediately became wildly excited. A large portion of the delegates, who had kept tally, at once said the struggle was decided, and half the Convention rose, cheering, shouting, and waving hats. The audience took up the cheers, and the confusion became deafening. State after state rose, striving to change their votes to the winning candidate, but the noise and enthusiasm rendered it impossible for the delegates to make themselves heard.

Mr. McCrillis, of Maine, making himself heard, said that "the young giant of the West was now of age. Maine casts for him her 16 votes." Mr. Andrew, of Massachusetts, changed the vote of that state, giving 18 to Mr. Lincoln, and 8 to Mr. Seward.

Intelligence of the nomination was now conveyed to the men on the roof of the building, who immediately made the outside multitude aware of the result. The first roar of the cannon soon mingled itself with the cheers of the people, and the same moment a man appeared in the hall, bringing a large portrait of Mr. Lincoln. The scene at the time was peculiarly American: 11,000 people inside, and 20,000 or 25,000 outside, were yelling and shouting at once. Two cannon sent forth roar after roar, in quick succession. Delegates bore up the sticks and boards bearing the names of the several states, and waved them aloft over their heads, and the vast multitude before the platform waved hats and handkerchiefs. The whole scene was one rather of madness than of reason. Little did the crowd know that they had inaugurated both a war and a revolution!

Mr. Brown, of Missouri, desired to change 18 votes of Missouri for the gallant son of the West, Abraham Lincoln; Iowa, Connecticut, Kentucky, and Minnesota also changed their votes. The result of the third ballot was then announced:—Whole number of votes cast, 466; necessary to a choice, 234. Mr. Abraham Lincoln received 354, and was declared duly nominated. The states still voting for Seward were Massachusetts, 8; New York, 70; New Jersey, 5; Pennsylvania, ½; Maryland, 2; Michigan, 12; Wisconsin, 10; California, 3. Total 110½. Mr. Dayton received one vote from New Jersey, and Mr. McLean half a vote from California. The result was received with renewed applause.



When silence was restored, Wm. M. Evarts came forward on the secretary's table, and spoke as follows:—"Mr. Chairman, Gentlemen of the National Convention,—The state of New York, by a full delegation, with complete unanimity in purpose at home, came to the Convention and presented its choice, one of its citizens, who had served the state from boyhood up, and laboured for and loved it. We came here, a great state, with, as we thought, a great statesman (applause), and our love of the great republic, from which we are all delegates. The great republic of the American Union, and our love for the great Republican party of the Union, and our love for our statesman and candidate, made us think we did our duty to the country, and the whole country, in expressing our preference and love for him (applause). But, gentlemen, it was from Governor Seward that most of us learned to love Republican principles and the Republican party (cheers). His fidelity to the country, the constitution, and the laws—his fidelity to the party and the principle that majorities govern—his interest in the advancement of our party to its victory, that our country may rise to its true glory, induces me to declare that I speak his sentiments, as I do the united opinion of our delegation, when I move, sir, as I do now, that the nomination of Abraham Lincoln, of Illinois, as the Republican candidate for the suffrages of the whole country for the office of Chief Magistrate of the American Union, be made unanimous." (Applause, and three cheers for New York.) The life-size portrait of Mr. Lincoln was here exhibited from the platform amid renewed cheers.

Mr. Andrew, of Massachusetts, on the part of the united delegation of that state, seconded the motion of the delegate of New York, that the nomination be made unanimous. Eloquent speeches, endorsing the nominee, were also made by Messrs. Carl Schurz, F. P. Blair, of Missouri, and Browning, of Illinois, all of which breathed a spirit of confidence and enthusiasm. At the close, three hearty cheers were given for New York, and the nomination of Mr. Lincoln made unanimous. With loud cheers for Lincoln, the Convention adjourned till five o'clock.

On the first ballot, in the evening session, Mr. Hamlin, of Maine, received 194 votes for the Vice-Presidency, and was nominated with enthusiasm.

The result in the electoral college was as follows:—for Lincoln and Hamlin, 180 votes; Breckinridge and Lane, 72; Bell and Everett, 39; Douglas and Johnson 12.

Lincoln and Hamlin received in the electoral college the votes of every non-slaveholding state, save three cast against them by New Jersey, and not a single vote from a slaveholding state.

The popular vote was as follows:—Lincoln and Hamlin, 1,857,610; Douglas and Johnson, 1,365,976; Breckinridge and Lane, 847,953; Bell and Everett, 590,631; which, summed up according to anti-slavery and pro-slavery parties, would be as follows: for the pro-slavery party, 2,804,560; for the anti-slavery party, 1,857,610; showing a minority for the anti-slavery party of 946,950 votes. So that Lincoln and Hamlin, though constitutionally elected, were in a minority in the popular vote of fully 1,000,000; the vote of South Carolina not being represented in the popular vote, as she chooses her electors by her legislature.

When enough returns from the election had been received to render it certain

that Abraham Lincoln would be the next President, public meetings were held in the city of Charleston, and in other places in the state of South Carolina, at which resolutions were adopted in favour of the secession of the state from the Union. A. G. Magrath, District Judge of the United States Court, resigned his office, as did the United States Marshal, and the other judicial officers by Federal appointment. Messrs. Hammond and Chesnut resigned their seats in the United States Senate, and M. L. Bonham his seat in the House. The collector of customs and postmaster at Charleston signified their intention to resign, but continued to discharge the duties of their respective offices. The legislature, which met on the 27th November, immediately provided for a State Convention, to meet on the 17th of December. The election of delegates took place on the 11th. Meanwhile much interest arose in regard to the forts in Charleston harbour, only one of which—Fort Moultrie—was garrisoned, she having between sixty and seventy men; Brevet-Major Robert Anderson was the officer in command. Threats to seize them were freely made by the secessionists, who took steps to arm nearly the entire population of Charleston capable of bearing arms. At the same time, the work of strengthening Fort Moultrie, and, to some extent, Forts Sumter and Castle Pinckney, was vigorously prosecuted. The Convention met at Columbia on the day appointed. General D. F. Jamison was chosen president. In consequence of the prevalence of the small-pox at Columbia, the Convention adjourned to meet in Charleston the next day. On the 20th, the following ordinance passed the Convention unanimously :—

*“An Ordinance to dissolve the union between the State of South Carolina and other states united with her under the compact entitled ‘The Constitution of the United States of America.’*

“We, the people of the state of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

“That the ordinance adopted by us in Convention, on the 23rd day of May, in the year of our Lord 1788, whereby the constitution of the United States of America was ratified, and also all Acts and parts of Acts of the General Assembly of this state, ratifying amendments of the said constitution, are hereby repealed; and that the union now subsisting between South Carolina and other states, under the name of ‘The United States of America,’ is hereby dissolved.”

The next day, Messrs. R. W. Barnwell, J. H. Adams, and James L. Orr, were elected by the Convention commissioners to be accredited to Washington, charged with the duty of negotiating for a division of the public property and the surrender of the forts of Charleston. On the 24th of December, the Convention adopted the following declaration of causes which induced and justified the secession of South Carolina from the Union :—

*“Declaration of Independence of South Carolina. Done in Convention, December 24, 1860.*

“The state of South Carolina, having determined to resume her separate and equal place among nations, deems it due to herself, to the remaining United States of America, and to the nations of the world, that she should declare the causes which have led to this act.



“In the year 1765, that portion of the British Empire embracing Great Britain, undertook to make laws for the government of that portion composed of the thirteen American colonies. A struggle for the right of self-government ensued, which resulted, on the 4th of July, 1776, in a declaration by the colonies, ‘that they are, and of right ought to be, free and independent states, and that, as free and independent states, they have full power to levy war, to conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.’

“They further solemnly declared, that whenever any ‘form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it, and to institute a new government.’ Deeming the government of Great Britain to have become destructive of these ends, they declared that the colonies ‘are absolved from all allegiance to the British crown, and that all political connection between them and the states of Great Britain is, and ought to be, totally dissolved.’

“In pursuance of this Declaration of Independence, each of the thirteen states proceeded to exercise its separate sovereignty; adopted for itself a constitution, and appointed officers for the administration of government in all its departments—legislative, executive, and judicial. For purposes of defence, they united their arms and their counsels; and, in 1778, they entered into a league, known as the Articles of Confederation, whereby they agreed to entrust the administration of their external relations to a common agent, known as the Congress of the United States, expressly declaring, in the first article, ‘that each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not, by this confederation, expressly delegated to the United States in Congress assembled.’

“Under this confederation the war of the Revolution was carried on, and on the 3rd of September, 1783, the contest ended, and a definitive treaty was signed by Great Britain, in which she acknowledged the independence of the colonies in the following terms:—

“‘Article 1.—His Britannic Majesty acknowledges the said United States, viz.:—New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent states; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, proprietary, and territorial rights of the same and every part thereof.’

“Thus was established the two great principles asserted by the colonies, namely the right of a state to govern itself, and the right of a people to abolish a government when it becomes destructive of the ends for which it was instituted. And concurrent with the establishment of these principles was the fact, that each colony became and was recognised by the mother country, as a free, sovereign, and independent state.

“In 1787, deputies were appointed by the states to revise the articles of confederation, and on the 17th September, 1787, these deputies recommended for the adoption of the states the articles of union, known as the Constitution of the United States.

“The parties to whom this constitution was submitted were the several sovereign states; they were to agree or disagree, and when nine of them agreed, the compact was to take effect among those concurring; and the general government, as the common agent, was then to be invested with their authority.

“If only nine of the thirteen states had concurred, the other four would have remained as they then were—separate, sovereign states, independent of any of the provisions of the constitution. In fact, two of the states did not accede to the constitution until long after it had gone into operation among the other eleven; and during that interval, they exercised the functions of an independent nation.

“By this constitution, certain duties were charged on the several states, and the exercise of certain of their powers restrained, which necessarily implied their continued existence as sovereign states. But, to remove all doubt, an amendment was added, which declared that the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. On the 23rd of May, 1788, South Carolina, by a convention of her people, passed an ordinance assenting to this constitution, and afterwards altered her own constitution, to conform herself to the obligations she had undertaken.

“Thus was established, by compact between the states, a government, with defined objects and powers, limited to the express words of the grant, and to so much more only as was necessary to execute the power granted. This limitation left the whole remaining mass of power subject to the clause reserving it to the states or to the people, and rendered unnecessary any specification of reserved rights.

“We hold that the government thus established is subject to the two great principles asserted in the Declaration of Independence, and we hold further that the mode of its formation subjects it to a third fundamental principle, namely, the law of compact. We maintain that in every compact between two or more parties the obligation is mutual—that the failure of one of the contracting parties to perform a material part of the agreement entirely releases the obligation of the other, and that, where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure with all its consequences.

“In the present case that fact is established with certainty. We assert that fifteen of the states have deliberately refused for years past to fulfil their constitutional obligations, and we refer to their own statutes for the proof.

“The constitution of the United States, in its 4th article, provides as follows:—

“‘No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.’

“This stipulation was so material to the compact, that without it that compact would not have been made. The greater number of the contracting parties held slaves, and the state of Virginia had previously declared her



estimate of its value by making it the condition of her cession of the territory which now compose the states north of the Ohio river.

“The same article of the constitution stipulates also for the rendition by the several states of fugitives from justice from the other states.

“The general government, as the common agent, passed laws to carry into effect these stipulations of the states. For many years these laws were executed, But an increasing hostility on the part of the Northern states to the institution of slavery has led to a disregard of their obligations, and the laws of the general government have ceased to effect the objects of the constitution. The states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Ohio, Michigan, Wisconsin, and Iowa, have enacted laws which either nullify the Acts of Congress, or render useless any attempt to execute them. In many of these states the fugitive is discharged from the service or labour claimed, and in none of them has the state government complied with the stipulation made in the constitution. The state of New Jersey at an early day passed a law for the rendition of fugitive slaves in conformity with her constitutional undertaking; but the current of anti-slavery feeling has led her more recently to enact laws which render inoperative the remedies provided by her own law and by the laws of Congress. In the state of New York even the right of transit for a slave has been denied by her tribunals, and the states of Ohio and Iowa have refused to surrender to justice fugitives charged with murder and with inciting servile insurrection in the state of Virginia. Thus the constitutional compact has been deliberately broken and disregarded by the non-slaveholding states, and the consequence follows, that South Carolina is released from its obligations.

“The ends for which this constitution was framed are declared by itself to be ‘to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, protect the general welfare, and secure the blessings of liberty to ourselves and our posterity.’

“These ends it endeavoured to accomplish by a federal government, in which each state was recognised as an equal, and had separate control over its own institutions. The right of property in slaves was recognised by giving to free persons distinct political rights; by giving them the right to represent, and burdening them with direct taxes for three-fifths of their slaves; by authorising the importation of slaves for twenty years, and by stipulating for the rendition of fugitives from labour.

“We affirm that these ends for which this government was instituted have been defeated, and the government itself has been made destructive of them by the action of the non-slaveholding states. These states have assumed the right of deciding upon the propriety of our domestic institutions, and have denied the rights of property established in fifteen of the states, and recognised by the constitution; they have denounced as sinful the institution of slavery; they have permitted the open establishment among them of societies whose avowed object is to disturb the peace, and to eloin the property, of the citizens of other states. They have encouraged and assisted thousands of our slaves to leave their homes, and those who remain have been incited by emissaries, books, and pictures, to servile insurrection.

"For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the power of the common government. Observing the forms of the constitution, a sectional party has found within that article establishing the executive department, the means of subverting the constitution itself. A geographical line has been drawn across the Union, and all the states north of that line have united in the election of a man to the high office of President of the United States, whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the common government, because he has declared that that 'government cannot endure permanently half slave, half free,' and that the public mind must rest in the belief that slavery is in the course of ultimate extinction.

"This sectional combination for the subversion of the constitution has been aided in some of the states by elevating to citizenship persons who, by the supreme law of the land, are incapable of becoming citizens, and their votes have been used to inaugurate a new policy, hostile to the South, and destructive of its peace and safety.

"On the 4th March next, this party will take possession of the government. It has announced that the South shall be excluded from the common territory; that the judicial tribunals shall be made sectional; and that a war must be waged against slavery until it shall cease throughout the United States.

"The guarantees of the constitution will then no longer exist; the equal rights of the states will be lost. The slaveholding states will no longer have the power of self-government or self-protection, and the federal government will have become their enemies.

"Sectional interest and animosity will deepen the irritation, and all hope of remedy is rendered vain by the fact that public opinion at the North has invested a great political error with the sanctions of a more erroneous religious belief.

"We therefore, the people of South Carolina, by our delegates in convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the union heretofore existing between this state and the other states of North America is dissolved, and that the state of South Carolina has resumed her position among the nations of the world as a free, sovereign, and independent state, with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.

"And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour."

On the same day that the above ordinance was adopted by the Convention, the remaining representatives in Congress from South Carolina vacated their seats and returned home.

Early in the following year (1861), at the time when civil war seemed impending, but had not actually broken out, General Scott, then at the head of the United States' army, wrote two papers containing his views, professional and political, on the crisis, and the rights and duties which devolved on the



federal government in the momentous conjuncture. The first published was as follows :—

*“ Southern Forts.—A Summary.*

“ October 30th, 1860.—I emphatically called the attention of the President to the necessity of strong garrisons in all the forts below the principal commercial cities of the Southern states, including, by name, the forts in Pensacola harbour.

“ October 31st.—I suggested to the Secretary of War that a circular should be sent at once to such of those forts as had garrisons to be on the alert against surprises and sudden assaults.

“ After a long confinement to my bed in New York, I came to this city (Washington) December 12th. Next day I personally urged upon the Secretary of War the same views, viz., strong garrisons in the Southern forts—those of Charleston and Pensacola harbours at once ; those on Mobile Bay and the Mississippi, below New Orleans, next, &c. &c. I again pointed out the organised companies and the recruits at the principal depôts available for the purpose. The Secretary did not concur in any of my views, when I begged him to procure for me an early interview with the President, that I might make one effort more to save the forts and the Union.\*

“ By appointment the Secretary accompanied me to the President, December 15th, when the same topics—secessionism, &c.—were again pretty fully discussed. There being at the moment (in the opinion of the President) no danger of an early secession beyond South Carolina, the President, in reply to my arguments for immediately reinforcing Fort Moultrie and sending a garrison to Fort Sumter, said :—

“ ‘ The time has not arrived for doing so ; that he should wait the action of the Convention of South Carolina, in the expectation that a commission would be appointed and sent to negotiate with him and Congress respecting the secession of the state and the property of the United States held within its limits ; and that if Congress should decide against the secession, then he would send a reinforcement, and telegraph the commanding officer (Major Anderson) of Fort Moultrie to hold the forts (Moultrie and Sumter) against attack.’

“ And the Secretary, with animation, added—‘ We have a vessel of war (the Brooklyn) held in readiness at Norfolk, and he would then send three hundred men in her from Fortress Monroe to Charleston.’

“ To which I replied, first, that so many men could not be withdrawn from that garrison, but could be taken from New York ; next, that it would then be too late, as the South Carolina Commissioners would have the game in their hands, by first using and then cutting the wires ; that as there was not a soldier in Fort Sumter, any handful of armed secessionists might seize and occupy it.

\* “ The plan invented by General Scott to stop secession was, like all campaigns devised by him, very able in its details, and nearly certain of general success. The Southern states are full of arsenals and forts, commanding their rivers and strategic points. General Scott desired to transfer the army of the United States to these forts as speedily and as quietly as possible. The Southern states could not cut off communication between the government and the fortresses without a great fleet, which they cannot build for years, or take them by land without 100,000 men, many hundred millions of dollars, several campaigns, and many a bloody siege. Had Scott been able to have got these forts in the condition he desired them to be, the Southern Confederacy would not now exist.”—*Part of the eulogy pronounced on Secretary Floyd (who defeated Scott's plans) by the “ Richmond Enquirer,” on Floyd's reception at that city.*

"Here the remark may be permitted, that if the Secretary's three hundred men had then, or some time later, been sent to Forts Moultrie and Sumter, *both* would now have been in the possession of the United States, and not a battery below them could have been erected by the secessionists; consequently, access to those forts from the sea would now (the end of March) be unobstructed and free.

"The same day, December 15th, 1860, I wrote the following note:—

"Lieut.-General Scott begs the President to pardon him for supplying in this note what he omitted to say this morning at the interview with which he was honoured by the President.

"Long prior to the Force Bill (March 2nd, 1833), prior to the issue of his proclamation, and in part prior to the passage of the Ordinance of Nullification, President Jackson, under the Act of March 3rd, 1807, "authorising the employment of the land and naval forces," caused reinforcements to be sent to Fort Moultrie, and a sloop-of-war (the *Natchez*), with two revenue cutters, to be sent to Charleston harbour, in order (1) to prevent the seizure of that fort by the Nullifiers, and (2) to enforce the execution of the revenue laws. General Scott himself arrived at Charleston the day after the passage of the Ordinance of Nullification, and many of the additional companies were then *en route* for the same destination.

"President Jackson familiarly said at the time, "that by the assemblage of those forces for lawful purposes, *he* was not making war upon South Carolina, but that if South Carolina attacked them, it would be South Carolina that made war upon the United States."

"General Scott, who received his first instructions (oral) from the President, in the temporary absence of the Secretary of State (General Cass), remembers these expressions well."

"December 28th.—Again, after Major Anderson had gallantly and wisely thrown his handful of men from Fort Moultrie into Fort Sumter—learning that, on demand of South Carolina, there was great danger he might be ordered by the Secretary back to the less tenable work, or *out* of the harbour—I wrote this note:—

"Lieut.-General Scott (who has had a bad night, and can scarcely hold up his head this morning) begs to express the hope to the Secretary of War (1) that orders may not be given for the evacuation of Fort Sumter; (2) that one hundred and fifty recruits may instantly be sent from Governor's Island to reinforce that garrison, with ample supplies of ammunition and subsistence, including fresh vegetables, as potatoes, onions, turnips; and (3) that one or two armed vessels be sent to support the said fort.

"Lieut.-General Scott avails himself of this opportunity also to express the hope that the recommendations heretofore made by him to the Secretary of War respecting Forts Jackson, St. Philip, Morgan, and Pulaski, and particularly in respect to Forts Pickens and McRae, and the Pensacola navy-yard in connection with the last two named works, may be reconsidered by the Secretary.

"Lieut.-General Scott will further ask the attention of the Secretary to Forts Jefferson and Taylor, which are wholly national, being of far greater value, even to the most distant points of the Atlantic coast and the people on the upper waters of the Missouri, Mississippi, and Ohio rivers, than to the state of Florida.



There is only a feeble company at Key West for the defence of Fort Taylor, and not a soldier in Fort Jefferson to resist a handful of filibusters or a row-boat of pirates; and the Gulf, soon after the beginning of secession or revolutionary troubles in the adjacent states, will swarm with such nuisances.'

"December 30th.—I addressed the President again as follows:—

"'Lieut.-General Scott begs the President of the United States to pardon the irregularity of this communication. It is Sunday, the weather is bad, and General Scott is not well enough to go to church. But matters of the highest national importance seem to forbid a moment's delay, and, if misled by zeal, he hopes for the President's forgiveness.

"'Will the President permit General Scott, without reference to the War Department, and otherwise as secretly as possible, to send two hundred and fifty recruits from New York harbour to reinforce Fort Sumter, together with some extra muskets or rifles, ammunition, and subsistence? It is hoped that a sloop-of-war and cutter may be ordered for the same purpose as early as to-morrow.

"'General Scott will wait upon the President at any moment he may be called for.'

"The South Carolina Commissioners had already been many days in Washington, and no movement of defence, on the part of the United States, was permitted.

"I will here close my notice of Fort Sumter by quoting from some of my previous reports. It would have been easy to reinforce this fort down to about the 12th of February. In this long delay Fort Moultrie had been re-armed and greatly strengthened in every way by the rebels. Many powerful new land batteries (besides a formidable raft) have been constructed. Hulks, too, have been sunk in the principal channel, so as to render access to Fort Sumter from the sea impracticable without first carrying all the lower batteries of the secessionists. The difficulty of reinforcing has thus been increased ten or twelve fold.

"First, the late President refused to allow any attempt to be made because he was holding negociations with the South Carolina Commissioners.

"Afterwards, Secretary Holt and myself endeavoured, in vain, to get a ship-of-war for the purpose, and were finally obliged to employ the passenger steamer *Star of the West*. That vessel, but for the hesitation of the master, might, as is generally believed, have delivered at the fort the men and subsistence on board. This attempt at succour failing, I next, verbally, submitted to the late cabinet either that succour be sent by ships-of-war, fighting their way by the batteries (increasing in strength daily); or that Major Anderson should be left to ameliorate his condition by the muzzles of his guns—that is, enforcing supplies by bombardment and by 'bringing to' merchant vessels, helping himself (giving orders for payment), or, finally, be allowed to evacuate the fort, which, in that case, would be inevitable.

"But, before any resolution was taken, the late Secretary of the Navy, making difficulties about the want of suitable war-vessels, another commissioner from South Carolina arrived, causing further delay. When this had passed away, Secretaries Holt and Toucey, Captain Ward, of the navy, and myself, with the knowledge of the President (Buchanan), settled upon the employment, under the captain (who was eager for the expedition), of three or four

steamers belonging to the coast survey. All that time (late in January) I had but little doubt Captain Ward would have reached Fort Sumter with all his vessels. But he was kept back by something like a truce or armistice (made here), embracing Charleston and Pensacola harbours, agreed upon between the late President and certain principal seceders of South Carolina, Florida, Louisiana, &c., and this truce lasted to the end of that administration.

"That plan, and all others, without a squadron of war-ships and a considerable army, competent to take and hold the many formidable batteries below Fort Sumter, and before the exhaustion of its subsistence, having been pronounced, from the change of circumstances, impracticable, by Major Anderson, Captain Foster (Chief Engineer), and all the other officers of the fort, as well as by Brigadier-General Totten, Chief of the Corps of Engineers, and concurring in that opinion, I did not hesitate to advise (March 12th) that Major Anderson be instructed to evacuate the fort so long gallantly held by him and his companions, immediately on procuring suitable transportation to take them to New York. His relative weakness had steadily increased in the last eighteen days.

"It was not till January 3rd (when the *first* commissioners from South Carolina withdrew) that the permission I had solicited, October 31st, was obtained, to admonish commanders of the few Southern forts, with garrisons, to be on the alert against surprises and sudden assaults. (Major Anderson was not among the admonished, being already straitly beleaguered.)

"January 3rd.—To Lieutenant Slemmer, commanding in Pensacola harbour: The General-in-Chief directs that you take measures to do the utmost in your power to prevent the seizure of either of the forts in Pensacola harbour, by surprise or assault, consulting first with the commander of the navy-yard, who will probably have received instructions to co-operate with you.' (This order was signed by Aide-de-Camp Lay.)

"It was just before the surrender of the Pensacola navy-yard (January 12th) that Lieutenant Slemmer, calling upon Commodore Armstrong, obtained the aid of some thirty common seamen, or labourers (but no marines), which, added to his forty-six soldiers, made up his number to seventy-six men, with whom this meritorious officer has since held Fort Pickens, and performed, working night and day, an immense amount of labour in mounting guns, keeping up a strong guard, &c. &c.

"Early in January I renewed, as has been seen, my solicitations to be allowed to reinforce Fort Pickens, but a good deal of time was lost in vacillations. First, the President 'thought if no movement is made by the United States, Fort McRea will probably not be occupied, nor Fort Pickens attacked. In case of movements by the United States, which will doubtless be made known by the wires, there will be corresponding local movements, and the attempt to reinforce will be useless.' (Quotation from a note made by Aide-de-Camp Lay, about January 12th, of the President's reply to a message from me.) Next, it was doubted whether it would be safe to send reinforcements in an unarmed steamer, and the want, as usual, of a suitable naval vessel—the Brooklyn being long held in reserve at Norfolk for some purpose unknown to me. Finally, after I had kept a body of three hundred recruits in New York harbour ready for some time—and they would have been sufficient to reinforce temporarily Fort Pickens,



and to occupy Fort McRae also—the President, about January 18th, permitted that the sloop-of-war, Brooklyn, should take a single company (ninety men) from Fortress Monroe, Hampton Roads, and reinforce Lieutenant Slemmer, in Fort Pickens, but without a surplus man for the neighbouring fort, McRae.\*

“The Brooklyn, with Captain Vodges’s company alone, left the Chesapeake for Fort Pickens about January 22nd, and on the 29th, President Buchanan having entered into a *quasi* armistice with certain leading seceders of Pensacola and elsewhere, caused Secretaries Holt and Toucey to instruct, in a joint note, the commanders of the war-vessels, off Pensacola, and Lieutenant Slemmer commanding Fort Pickens, to commit no act of hostility, and not to land Captain Vodges’s company unless that fort should be attacked.†

“[That joint note I never saw until March 25, but supposed the armistice was consequent upon the meeting of the Peace Convention at Washington, and was understood to terminate with it.]

“Hearing, however, of the most active preparations for hostilities on the part of the seceders at Pensacola, by the erection of new batteries and arming Fort McRae—that had not a gun mounted when it was seized—during the Peace Convention and since, I brought the subject to the notice of the new administration, when this note, dated March 12th, to Captain Vodges was agreed upon, viz.: ‘At the first favourable moment you will land with your company, reinforce Fort Pickens, and hold the same till further orders.’ This order, in duplicate, left New York by two naval vessels about the middle of March, as the mails and the wires could not be trusted, and detached officers could not be substituted, for two had already been arrested and paroled by the authorities of Pensacola, despatches taken from one of them, and a third, to escape like treatment, forced to turn back when near that city. Thus those authorities have not ceased to make war upon the United States since the capture by them of the navy yard, January 12th.—Respectfully submitted,

“Head-Quarters of the Army,

“WINFIELD SCOTT.”

“Washington, March 30, 1861.”

The following is the letter referred to by General Scott in the preceding, and throws much light on the secret history of the time:—

“Washington, March 3rd, 1861.

“Dear Sir,—Hoping that in a day or two the new President will have happily passed through all personal dangers, and find himself installed an honoured successor of the great Washington, with you as the chief of his cabinet, I beg

\* “It was not till January 4th that, by the aid of Secretary Holt (a strong and loyal man), I obtained permission to send succour to the feeble garrison at Fort Taylor, Key West, and at the same time a company—Major Arnold’s, from Boston—to occupy Fort Jefferson, Tortugas Island. If this company had been three days later, the fort would have been pre-occupied by Floridians. It is known that the rebels had their eyes upon those powerful forts, which govern the commerce of the Mexican Gulf as Gibraltar and Malta govern that of the Mediterranean. With Forts Jefferson and Taylor the rebels might have purchased an early European recognition.”—*Note by General Scott.*

† “It was known at the Navy Department that the Brooklyn, with Captain Vodges on board, would be obliged in open sea to stand off and on Fort Pickens, and in rough weather might sometimes be fifty miles off. Indeed, in ten miles at sea the fort might have been attacked and easily carried before the reinforcement could have reached the beach in open sea where alone it could land.”—*Note by General Scott.*

leave to repeat, in writing, what I have before said to you orally, this supplement to my printed 'Views' (dated in October last) on the highly disordered condition of our (so late) happy and glorious Union.

"To meet the extraordinary exigencies of the times, it seems to me that I am guilty of no arrogance in limiting the President's field of selection to one of the four plans of procedure subjoined:—

"1. Throw off the old and assume a new designation—the Union party; adopt the conciliatory measures proposed by Mr. Crittenden or the Peace Convention, and, my life upon it, we shall have no case of secession; but, on the contrary, an early return of many, if not all, of the states which have already broken off from the Union. Without some equally benign measure, the remaining slaveholding states will probably join the Montgomery confederacy in less than sixty days, when this city, being included in a foreign country, would require a permanent garrison of at least 35,000 troops to protect the government within it.

"2. Collect the duties on foreign goods outside the ports of which the government has lost the command, or close such ports by act of Congress, and blockade them.

"3. Conquer the seceded states by invading armies. No doubt this might be done in two or three years, by a young and able general—a Wolfe, a Desaix, a Hoche—with 300,000 disciplined men, estimating a third for garrisons, and the loss of a yet greater number by skirmishes, sieges, battles, and southern fevers. The destruction of life and property on the other side would be frightful, however perfect the moral discipline of the invaders. The conquest completed, at that enormous waste of human life to the North and North-west, with at least 250,000,000 dollars added thereto, and *cui bono?* Fifteen devastated provinces! not to be brought into harmony with their conquerors, but to be held for generations by heavy garrisons, at an expense quadruple the nett duties or taxes which it would be possible to extort from them, followed by a protector or an emperor.

"4. Say to the seceded states, 'Wayward sisters, depart in peace.'—In haste, I remain very truly yours,

"WINFIELD SCOTT."

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## CHAPTER VI.

### BIOGRAPHY OF ABRAHAM LINCOLN.

ABRAHAM LINCOLN, President-elect of the United States, whose advent to power was the occasion of all this turmoil, dispute, and unhappiness, was born on the 12th of February, 1809, in Hardin county, Kentucky. His father, Thomas Lincoln, grew up without education, his sole accomplishment in chirography being his signature. Young Lincoln inherited from both his parents an iron constitution and a decent poverty. From his father came that knack



of story-telling which has made him the Joe Miller of America, upon whom are foisted all the fatherless witticisms of whom no one knows or cares to avow the parentage. Abraham attended school during his early childhood in Kentucky, and after his father's removal to Indiana. His whole term amounted, as near as can be computed, to nearly a year.

In the autumn of 1816 his father left Kentucky and settled in Spencer county, Indiana. The cause of his leaving was attributed by his neighbours to the insecurity of the title by which he held his Kentucky land. Abraham was then a hardy boy, large for his years, and with his axe did manful service in clearing the land. With that implement he literally hewed out his path to manhood; for, until he was twenty-three, the axe was seldom out of his hand, except in the intervals of labour, or when it was exchanged for the plough, the hoe, or the sickle. The Lincolns continued to live in Spencer county till 1830, nothing interrupting the even tenor of Abraham's life, except, in his nineteenth year, a flat-boat trip to New Orleans. He and a son of the owner composed the crew, trafficking here and there, in their course, with the inhabitants. One night, having tied up their boat near a solitary plantation on the bank of the river, they were attacked and boarded by seven stalwart negroes; but Lincoln and his comrade, after a severe contest, in which both were hurt, succeeded in beating their assailants and driving them from the boat; after which they weighed anchor as speedily as possible, and betook themselves to the middle current. With this sole adventure Lincoln resumed his quiet backwood life in Indiana.

In March, 1830, his father determined to emigrate once more, and the family abandoned the cabin which had been their home so long, and set out for Illinois. Their means of progress and conveyances were ox-waggons, one of which Abraham Lincoln drove. Before a month elapsed they had arrived at Macon county, Illinois, where they remained a short time, and Lincoln's family "located" on some new land, about ten miles north-west of Decatur, on the north bank of the Sangamon river, at a juncture of forest and prairie land. Here the father and son built a log-cabin, and split rails enough to fence in their land. About this time a Mr. George Close, the comrade of Lincoln in rail-splitting, says that Lincoln was a farm labourer, working from day to day for different people, chopping wood, mauling rails, or doing whatever was to be done. The country was poor, and hard work was the common lot, the heaviest share falling to young unmarried men, with whom it was a continual struggle to earn a livelihood. Lincoln and Close made about one thousand rails together for two neighbouring farmers, receiving their pay in home-spun clothing. Lincoln's bargain with the wife of his employer was, that he should have one yard of brown jeans (richly dyed with walnut bark) for every four hundred rails made, until he should have enough for a pair of trousers.

In 1831, one Denton Offatt, a trader between the up-river settlements and the city of New Orleans, occasionally fitting out flat-boat expeditions, for that purpose engaged Lincoln and two of his comrades to take charge of a craft he then expected to fit out for a voyage from Beardstown, in Illinois, to the Crescent city. Overland travel from Macon county (the home of Lincoln) to Beardstown was rendered impossible by the waters of the thaw in that year, which had inundated the country. Lincoln and his friends therefore took a

canoe and descended the Sangamon river to Springfield, where they found Offatt. He had not succeeded in getting a flat-boat at Beardstown as he expected. Thereupon he offered to Lincoln and each of his friends twelve dollars a month for the time they should be occupied in getting out lumber and making the boat. The offer was accepted; the axe did its work; the planks were sawed with a whip-saw; Denton's ark was put together; and the trip to New Orleans triumphantly and profitably made.

On his return to Illinois Lincoln found his father had removed from Macon, and was now living in Coles county. So New Salem, on the Sangamon river, became the home of the future President. This was accidental rather than otherwise. He was descending the river with another flat-boat for Offatt, and, near New Salem, grounded on a dam and stuck immovable. Offatt, the owner, was a man of resource and decision. He came ashore from his flat-boat, and rented the very mill of which the dam had caused his disaster, together with an old store-room, which he filled with a stock of goods, and gave it in the clerkly charge of Abraham Lincoln, with the munificent salary of fifteen dollars per month.

Lincoln had already made his first speech. General W. L. D. Ewing, and a politician named Posey, had addressed the freemen of Macon the year previous "on the issues of the day." Mr. Posey had, however, in violation of venerable precedent and sacred etiquette, failed to invite the sovereigns to drink something. They were justly indignant, and persuaded Lincoln to reply. Lincoln took the stump, begging his friends not to laugh if he broke down, treated very courteously the two speakers who had preceded him, discussed questions of politics, and eloquently pictured the future of Illinois. His imaginative flight tickled the state pride of the Illinoisians. It was declared that Lincoln had made the best speech of the day.

At New Salem he now found the leisure and the opportunity to initiate a system of self-education. The first branch of learning which he took up was English grammar, acquiring that science from the old-fashioned treatise of Kirkham. The book was not to be had in the immediate vicinity, and Lincoln walked seven or eight miles to borrow a copy. He devoted himself to its study with the whole strength of his resolute nature; and in three weeks (says his biographer) he had gained a fair practical knowledge of the grammar.

President Jackson appointed Lincoln postmaster at New Salem. He was a Whig, but the office was of so little pecuniary value that it was bestowed irrespective of politics. Lincoln, indeed, was the only person in the community whose accomplishments were equal to the task of making out the mail returns for the department. The Postmaster delighted in political and other polemics, and used to walk six and seven miles through the woods to attend the disputations in the neighbourhood. Here, no doubt, he stored his mind with anecdote and comic illustration, and added to his growing popularity. This popularity had been early founded by a stroke of firmness when he first came into Sangamon county. There flourished in the region of New Salem a band of roysterers calling themselves "Clary's Grove Boys," who constituted themselves a tribunal to try the stuff of every new immigrant who came into that region. Their mode of receiving a stranger was to appoint one of their number to wrestle, fight, or run



a foot-race with him. The boys challenged Lincoln to a wrestling match with the leader and champion of their band. When the encounter took place, the "Clary's Grove Boy" found that he had decidedly the worst of the affair, and Lincoln was invited to become one of their company. His popularity was assured. The "boys" idolised him, and when the Black Hawk war broke out in 1832 (Offatt's business, which had long been failing, giving him the opportunity to volunteer), he was chosen their captain, and remained at their head during the three months' campaign.

It is supposed that it was at New Salem that Lincoln, while a clerk in Offatt's store, first saw Stephen A. Douglas, and probably the acquaintance was renewed during Lincoln's proprietorship of the store which he afterwards bought in the same place.\*

One Reuben Radford was Mr. Lincoln's predecessor. He had fallen, by some means, into disfavour with "Clary's Grove Boys," who one evening took occasion to break in the windows of his establishment. Reuben was discouraged. Perhaps it would not be going too far to allude to his situation as discouraging. He told a young farmer who came to trade, that he was going to close his business, and asked him what would he give for his stock? The farmer replied, 400 dollars. The offer was accepted, and the negotiation closed. The following day, Lincoln came in and proposed that he and the farmer should invoice the stock, and see how much had been made. They found it worth about 600 dollars. Lincoln gave the farmer 125 dollars for his bargain, while the farmer endorsed the notes of Lincoln and one Berry to Radford for the remaining 400. After a while, the store fell into a chronic decay, and in the idiom of the region finally *winked out*. The farmer was compelled to pay the note given to Radford, but, after a long while, it is said Lincoln paid the indebtedness, principal and interest.

Mr. Lincoln was moneyless, having previously invested his savings in a surveyor's compass and books. His first surveying had been done with a grape-vine instead of a chain, and having endorsed a note which was not paid, his compass was seized and sold. One James Short bought it, and returned it to him. The surveyor of Sangamon county, John Calhoun (since Surveyor-General of Kansas territory, under Presidents Pierce and Buchanan), deputed to Lincoln that part of the county in which he resided, and he now assumed the active practice of surveying, and continued to live upon the slender fees of his office until 1834, when he was elected to the legislature by the largest vote cast for any candidate.

In 1836, he was re-elected to the legislature from Sangamon county. The Illinois legislature then held its sessions at Vandalia, and Mr. Lincoln used to perform his journeys between New Salem and the seat of government on foot.

During the legislative canvass of 1834, John D. Stuart advised him to study law, and after the election he borrowed some of Stuart's books, and began to read. Other warm and influential friends came to his aid, and with

\* Mr. Lincoln expressly stated, in reply to some jocular allusion of Douglas, during the debates of 1858, that he never yet kept a grocery. Out in the West a grocery is understood to be a place where the chief article of commerce is whisky. Lincoln's establishment was, in the Western sense, a store; that is, he sold tea, coffee, sugar, powder, lead, and other luxuries and necessities of pioneer existence.

their support, and the slender revenues of his surveyorship, he struggled through the term of his law studies, and was admitted to the bar in 1836. Business flowed in upon him, and quitting New Salem, he took up his residence at Springfield, where he united his professional fortunes with those of Mr. Stuart. They remained in partnership until Stuart's election to Congress. After that, Lincoln formed a partnership with Judge Logan, one of the first in his profession at Springfield, and continued the practice of the law with rising repute. In 1842, he declined a re-election to the state legislature, after eight years' service in that body.

In the campaign of 1844, Lincoln was zealous and indefatigable in the Whig cause. The contest turned upon the annexation of Texas, to which measure he was opposed. His name was on the electoral ticket of Illinois, and he shared the defeat of his gallant leader, Henry Clay—a defeat which precipitated the Mexican war.

In the lull following that Presidential battle, while mingling in state politics, he devoted himself more particularly to professional affairs. In 1846 he was elected to Congress, the only Whig elected in Illinois at that time. In 1848, he made speeches in favour of the election of General Taylor, in Maryland, in Massachusetts, and in Illinois. In his own congressional district the success of his canvass was declared by a majority of fifteen hundred for Taylor. In 1849, he retired from Congress, and devoted himself with greater earnestness than ever before to the duties of his profession. In the Presidential canvass of 1852, Lincoln appeared several times before the people as the advocate of Scott's claims for the Presidency. Although he was on the Scott electoral ticket, Lincoln did less in that campaign than in any in which he had ever engaged.

In the Republican National Convention of 1856, Abraham Lincoln received one hundred and two votes for the Vice-Presidential nomination. Though not selected as one of the standard bearers on that occasion, he threw his whole soul into the conflict. The Republicans placed him at the head of their electoral ticket in Illinois. When in 1858 it was determined to give the senatorial question the form of a popular contest, by the election of a legislature pledged to the people for or against Douglas, Abraham Lincoln was chosen without dissent as the champion of his party. The Republican state ticket of that year was carried by a decisive majority, and the legislature was lost only through the manner in which the state was districted, which threw that body into the hands of the Democrats, who elected Douglas to the Senate.

The Republican National Convention, which assembled at Chicago on the 16th of May, 1860, on the third ballot gave Abraham Lincoln the nomination for the Presidency of the United States, and the electoral college, which met to count the votes, February 13th, 1861, officially declared him President-elect from the 4th of March, 1861.

When the news arrived in Washington from Chicago that the Hon. W. H. Seward, who was the prominent candidate for the Presidency of the Republican National party, had been ignored to give way to a more pliable and available candidate, Abraham Lincoln, the Hon. Robert Toombs, then making a speech in the Senate of the United States, exclaimed, "Sir, there is a gleam of light peering even through the dark panoply which surrounds Chicago. The main



architect of this gigantic coalition against the constitution and the hopes of mankind has been slaughtered in the house of his friends. Actæon eaten up by his own dogs! The punishment is severe, but just. The patriotism of the country makes its enemies tremble. They quail before the spirit of true nationality. Another less conspicuous, and perhaps less dangerous, but no less willing instrument of these public enemies, has been put forth, hoping that, perchance, his obscurity may draw public attention from the public danger. This, at least, is a tribute to public virtue. Their flag is lowered; the thanes are flying. Unite, and let the shout go forth from every city and town, every hamlet and fireside, every mountain top and every valley, from the Atlantic to the Pacific from the Lakes to the Gulf, 'The country is in danger! Ho! every freeman to the rescue!'

The Hon. Stephen A. Douglas, when canvassing the state of Illinois for the United States' senatorship, with Lincoln as a candidate in opposition, in 1858, said, "I have known him (Lincoln) for nearly twenty-five years. There were many points of sympathy between us when we first got acquainted. We were both comparatively boys, and both struggling with poverty in a strange land. I was a school-teacher in the town of Winchester, and he a flourishing grocery keeper in the town of Salem. He was more successful in his occupation than I was in mine, and hence more fortunate in this world's goods. Lincoln is one of those peculiar men who perform with admirable skill whatever they undertake. I made as good a school-teacher as I could, and when a cabinet-maker, made good bedsteads and tables, although my old 'boss'\* said I succeeded better with bureaus and secretaries than with anything else; but I believe that Lincoln was more successful in business than I, for his business enabled him to get into the legislature. I met him there, however, and had a sympathy for him, because of the up-hill struggle we had in life. He was then just as good at telling an anecdote as now. He could beat any of the boys wrestling or running a foot-race, in pitching quoits or tossing a copper; could ruin more liquors than all of the boys of the town together; and the dignity and impartiality with which he presided at a horse-race or a fist-fight excited the admiration and won the praise of every one who was present and participated."

The Hon. Isaac N. Morris, of Illinois, in a speech delivered in the House of Representatives of the United States, on the 19th of June, 1860, said, "The question has been frequently asked me if I knew Mr. Lincoln, and what sort of a man he was? I have already said, Mr. Chairman, that I know him. I will answer what kind of a man I think he is. As a lawyer, he has never been regarded in Illinois as among the first; his proper position is among the second-rate. As a debater, he is, perhaps, above mediocrity, but by no means superior. His reasoning powers are good; but he carries every idea out to the utmost extent, and almost obscures it with a superabundance of language. My colleague speaks of his success at the bar, yet tells us he is poor. If he possessed that intuitive knowledge of the law, and that ability as an advocate claimed for him, why has he not accumulated wealth? Such lawyers generally do. No one ever thought him great; and my colleague draws largely upon his imagination when he speaks of his 'intuitive knowledge, sparkling genius, and masterly

\* The American slang for master, or employer.

intellect.' His social qualities are good, and he can be justly called a 'clever fellow,' and it is in this light he has been almost invariably spoken of."

In another part of the same speech, Mr. Morris said, "That when Lincoln had it communicated to him that he was the nominee of the Chicago Republican Convention for President of the United States, he was engaged in playing a game of ball with some boys! Elect him, and let the fact be announced that a hostile enemy has landed upon our shores, or that states have rebelled against the authority of the general government, and in all probability he would go on telling some anecdote, or finishing a game of sport on the public ground south of the White House, before inquiring into the facts."

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## CHAPTER VII.

PRESIDENT BUCHANAN'S LAST MESSAGE.—REMARKS ON THE CRISIS.—FOREIGN RELATIONS.—SECESSION OF SEVERAL STATES.—ORGANISATION OF THE CONFEDERATE STATES: JEFFERSON DAVIS ELECTED FIRST PRESIDENT.—HISTORY OF SOUTH CAROLINA.—THE DOCTRINE OF STATE RIGHTS.—CONCLUSION.

AMID clouds and omens of difficulties, distress, and peril, such as Mr. Toombs prefigured when he warned the country of the consequences likely to flow from the election of Mr. Lincoln, the second session of the thirty-sixth Congress assembled at Washington on Monday, December 3rd, 1860. The Senate and the House having been organised, Mr. Buchanan transmitted his last annual Message.

He stated that no nation in the tide of time had ever presented a spectacle of greater material prosperity than the United States had done until within a very recent period. Why was it, then, that discontent so extensively prevailed, and the union of the states, which was the source of all these blessings, was threatened with destruction? The long-continued and intemperate interference of the Northern people with the question of slavery had at length produced its effects. The different sections of the country were arrayed against each other, and the time had arrived, so much dreaded by the Father of the Country, when hostile geographical parties were formed. It cannot be denied that for five-and-twenty years the agitation at the North against slavery had been incessant. In 1835, pictorial hand-bills and inflammatory appeals were circulated extensively throughout the South, of a character to excite the passions of the slaves, and, in the language of President Jackson, "to stimulate them to insurrection, and produce all the horrors of a servile war." This agitation had ever since been continued by the public press, by the proceedings of state and county conventions, and by abolition sermons and lectures. The time of Congress had been occupied in violent speeches on this never-ending subject, and appeals, in pamphlet and other forms, had been sent forth from the capital of the nation and spread broadcast over the Union.

How easy would it have been for the American people to have settled the slavery question for ever, and to have restored peace and harmony to this



distracted country! All that was necessary to have accomplished the object, and all for which the slave states had ever contended, was to be let alone, and permitted to manage their domestic institutions in their own way. As sovereign states they, and they alone were responsible before God and the world for the slavery existing among them. For it the people of the North were not more responsible, and had no more right to interfere, than with similar institutions in Russia or in Brazil.

Upon the good sense and patriotic forbearance of the people the President said he greatly relied, and observed that the election of any fellow-citizen of the Republic did not afford just cause for dissolving the Union. More especially true was it if his election had been effected by a mere plurality, and not a majority of the people, and had resulted from transient and temporary causes, which might probably never occur again.

In order to justify a resort to revolutionary resistance, Mr. Buchanan thought the federal government should be guilty of "a deliberate, palpable, and dangerous exercise" of powers not granted by the constitution. It was said, however, that the antecedents of the President-elect had been sufficient to justify the fears of the South that he would attempt to invade their constitutional rights. But were such apprehensions of contingent danger in the future sufficient to justify the immediate rejection of the noblest system of government ever devised by mortals? The President thought not. It was alleged as one cause for immediate secession, that the Southern states were denied equal rights with the other states in the common territories. By what authority were these denied? Not by the Congress, which had never passed, and, he believed, never would pass, any Act to exclude slavery from the territories. Not by the Supreme Court, which had solemnly decided that slaves were property, and, like all other property, their owners had a right to take them into the common territories, and hold them there under the protection of the constitution. It was true the territorial legislature of Kansas had passed an Act over the veto of the governor declaring that slavery was, and should be for ever, prohibited in that territory. Such an act plainly violated the rights of property secured by the constitution, but would surely be declared void by the judiciary whenever it should be presented in a legal form.

The President observed that only three days after his inauguration the Supreme Court of the United States solemnly adjudged that this power did not exist in a territorial legislature. Those who had appealed from the judgment of the highest constitutional tribunal to popular assemblies, would, if they could, invest a territorial legislature with power to annul the sacred rights of property. And these were the people who had attained the power. This power Congress was expressly forbidden by the federal constitution to exercise. The most palpable violations of constitutional duty which had yet been committed consisted in the Acts of different state legislatures to defeat the execution of the Fugitive Slave Law. The validity of that law had been established over and over again by the Supreme Court of the United States with perfect unanimity. It was founded upon an express provision of the constitution, requiring that fugitive slaves who escaped from service in one state to another should be "delivered up" to their masters. Without that provision it was a well-known historical fact that the constitution itself could never have been adopted by the

convention. The Southern states, standing on the basis of the constitution, had a right to demand, as an act of justice from the states of the North, the repeal of these unconstitutional and obnoxious enactments. Should it be refused, then the constitution, to which all the states are parties, would have been wilfully violated, and the injured states, after having first used all peaceful and constitutional means to obtain redress, would be justified in revolutionary resistance to the government of the Union.

Mr. Buchanan then proceeded to controvert the position (assumed by the Southern states generally) that as each state became a party to the Union by the vote of its own people assembled in convention, so any one of them might retire from the Union in a similar manner by the vote of such a convention. The President then referred to the case of the state of South Carolina, where all the federal officers within her limits, through whose agency alone the federal laws could be carried into execution, had already resigned; and where the whole machinery of the federal government necessary for the distribution of remedial justice among the people had been demolished. "The question, fairly stated, is (was), Has the constitution delegated to Congress the power to coerce a state into submission which is attempting to withdraw from the confederacy? If answered in the affirmative, it must be on the principle that the power has been conferred upon Congress to declare and to make war against a state. After much serious reflection, I have arrived at the conclusion that no such power has been delegated to Congress or to any other department of the federal government. It is manifest, upon an inspection of the constitution, that this is not among the specific and enumerated powers granted to Congress; and it is equally apparent that its exercise is not 'necessary and proper for carrying into execution' any one of these powers. So far from this power having been delegated to Congress, it was expressly refused by the convention which framed the constitution.

"It appears from the proceedings of that body, that on the 31st May, 1787, the clause '*authorising an exertion of the force of the whole against a delinquent state*' came up for consideration. Mr. Madison opposed it in a brief but powerful speech, from which I shall extract but a single sentence. He observed, 'The use of force against a state would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it may be bound.'"\*

\* Mr. Madison's language was this:—"The more I reflect on the use of force, the more I doubt the practicability and efficiency of it when applied to a people collectively. The use of an armed force against a disobedient state or states, would look more like a declaration of war than an infliction of punishment, and would be rightly considered a dissolution of the previous compacts by which it might be bound. The most jarring elements, fire and water, are not more incompatible than such a strange mixture of civil liberty and military execution. Will the militia march from one state to another for the purpose of coercion? If they do, will not the citizens of invaded states assist one another until they rise as one man and shake off what they will denounce as the hated Union altogether? If you subjugate them, how are you to hold them under a constitution that is to be imposed to ensure domestic tranquillity and promote the general welfare?"

During a debate held in the New York convention for the ratification of the constitution of the United States, one of the fathers of the republic, Alexander Hamilton, said:—"The coercion of states is one of the maddest projects that was ever devised. A failure of compliance will never be confined to a single state. This being the case, can we suppose it wise to hazard a civil war? It would be a nation at war



“Without descending to particulars,” continued the President, “it might be safely asserted that the power to make war against a state was at variance with the whole spirit and intent of the constitution. Suppose such a war resulted in the conquest of a state, how was it to be governed afterwards? Should it be held as a province, and be governed by despotic power? In the nature of things we could not by physical force control the will of the people, and compel them to elect senators and representatives to Congress, and to perform all the other duties depending upon their own volition, and required from the free citizens of a free state as a constituent member of the confederacy. But if the power was possessed, would it be wise to exercise it under existing circumstances? The object would doubtless be to preserve the Union. War would not only present the most effectual means of destroying it, but would *banish all hope of its peaceful reconstruction*. Besides, in the fraternal conflict, a vast amount of blood and treasure would be expended, rendering a future reconciliation between the states impossible. In the meantime, who can foretell what would be the sufferings and privations of the people during its existence?” The President suggested various means by which the evil might be averted, summing them all up in amendments to the constitution, specifying distinctly what the Supreme Court had already affirmed as to the *status* of slaves, the right to carry them into the common territory, and the obligation to carry out the Fugitive Slave Law.

The President then took a survey of the difficulties that presented themselves to him when he entered upon his Presidential duties, both in foreign and domestic affairs. The United States were involved in dangerous complications with several nations, and two of the territories were in a state of revolution against the government. A restoration of the African slave trade had numerous and powerful advocates. Unlawful military expeditions were countenanced by many citizens, and were suffered, in defiance of the efforts of the government, to escape from the shores of the United States for the purpose of making war upon the unoffending people of neighbouring republics with whom we were at peace. In addition to these and other difficulties, a revulsion in monetary affairs, soon after his advent to power, of unexampled severity and of ruinous consequences to all the great interests of the country, was experienced. Taking a retrospect of what was then the condition of the country, and contrasting it with its material prosperity at the time of the late Presidential election, the people had abundant reason to return grateful thanks to that merciful Providence which had never forsaken them in all their past trials.

The relations of the United States with Great Britain were of the most friendly character. All difficulties that had existed between the two governments had been amicably settled. The recent visit of the Prince of Wales, in a

with itself—a government that can exist only by the sword! Every such war must involve the innocent with the guilty. This single consideration should not be inefficient to dispose every peaceable citizen against such a government.”

The Hon. William H. Seward, Secretary of State, in his letter to Mr. Adams, Minister of the United States at the Court of St. James, under date of April 10th, 1861, three days previous to the bombardment of Fort Sumter, said:—“Only an imperial or despotic government could subjugate thoroughly disaffected and insurrectionary members of the state. This federal republican system of ours is of all forms of government the very one which is most unfitted for such a labour.”

private character, to the people of the United States had proved to be a most auspicious event. In its consequences it could not fail to increase the kindred and kindly feelings which the President trusted might ever actuate the government and people of both countries in their political and social intercourse with each other.

With France, the ancient and powerful ally of the United States, the most friendly relations continue to exist. A decision had been made by a French judicial tribunal, with the approbation of the Imperial government, which could not fail to foster the sentiments of mutual regard that had so long existed between the two countries. Under the French law, no person can serve in the armies of France unless he be a French citizen. The law of France recognising the natural right of expatriation, it follows as a necessary consequence, that a Frenchman, by the fact of having become a citizen of the United States, has changed his allegiance, and has lost his native character. He cannot, therefore, be compelled to serve in the French armies, in case he should return to his native country.

Between the great empire of Russia and the United States the mutual friendship and regard which had so long existed still continued to prevail.

The relations with Spain were of a more complicated, though less dangerous character, than they had been for many years. The Spanish government had agreed to institute a joint commission for the adjustment of all claims between the two governments. A convention had been concluded for this purpose on the 5th day of March, 1860, with the minister of the United States at Madrid. This convention had been submitted to the Senate of the United States for their constitutional action, but on the 27th of June, 1860, they would not consent to its ratification. The acquisition of Cuba from Spain by fair purchase was urged upon Congress, the President believing that such an acquisition would contribute essentially to the well-being and prosperity of both countries in all future time, as well as prove the certain means of immediately abolishing the African slave-trade throughout the world.

The Treaty of Tientsin of the 18th June, 1858, had been faithfully observed by the Chinese authorities. The convention of the 8th November, 1858, supplementary to that treaty, for the adjustment of claims of citizens of the United States against China, had been carried into effect. The sum of 500,000 taels, equal to 700,000 dollars, was stipulated to be paid. Debentures for that amount had been delivered. The claims of American citizens had been adjusted. In the aggregate they amounted to 498,694 dollars 78 cents. There would remain a surplus of over 200,000 dollars at the disposition of Congress, and the President thought justice required its appropriation to some benevolent object in which the Chinese were specially interested.

The ratifications of the treaty with Japan, concluded at Yeddo on the 29th July, 1858, were exchanged at Washington on the 22nd May, 1860, and the treaty itself was proclaimed on the succeeding day.

With the wise, conservative, and liberal government of Brazil, relations continued to be of the most amicable character.

The exchange of the ratifications of the convention with the republic of New Granada took place at Washington on the 5th November, 1860, termi-



nating amicably a controversy that had threatened the peace of the two nations.

A convention was signed at the city of San José on the 2nd July, 1860, between the minister resident of the United States in Costa Rica and the plenipotentiaries of that republic, referring the claims of American citizens against Costa Rica to a board of commissioners, and providing for the payment of awards.

The claims of American citizens upon the republic of Nicaragua had not yet been provided for by treaty, although there was a fair prospect of success.

The affairs of the United States with Mexico remained in a most unsatisfactory condition.

The President reviewed the condition of Kansas and Utah, but merely reiterated what had been said in former Messages.

The financial necessities of the government, said the President, would require a modification of the tariff for the purpose of increasing the revenue. Specific, instead of *ad valorem*, were urged; and the practice of Great Britain was cited as an example to follow. In the commercial treaty of January 23, 1860, between France and England, one of the articles provided that the *ad valorem* duties which it imposes should be converted into specific duties within six months from its date.

It had been represented to the President, from sources which he deemed reliable, that the inhabitants in several portions of Kansas had been reduced nearly to a state of starvation, on account of the almost total failure of their crops, whilst the harvests in other parts of the country had been abundant. The prospect before them for the winter was well calculated to enlist the sympathies of every heart. The destitution was so general, that it could not be relieved by private contributions; and the people were in such indigent circumstances, as to be unable to purchase the necessaries of life for themselves. The subject was referred to Congress, and if any constitutional measure for their relief could be devised he would recommend its adoption.

The President concluded by commending to the favourable consideration of Congress the interests of the people of the district of Columbia.

His warnings were unheeded. The triumphant party, though a minority of the whole people, threatened civil and servile war. The South was alarmed for the safety of its families and homes, by menaces of abolition and slave insurrection; and previous to the time fixed by the constitution for the inauguration of the President-elect, 4th March, 1861, the alarm was so great, and the resistance of the South so formidable, that the following states seceded from the Union by direct vote of the people and the legislature:—South Carolina, on December 20, 1860; Mississippi, January 2, 1861; Alabama, January 11, 1861; Florida, January 12, 1861; Georgia, January 19, 1861; Louisiana, January 28, 1861; Texas, February 1, 1861.

On the 4th February, 1861, delegates from the seceded states met at Montgomery, Alabama, to organise a Confederate government. On the 18th of the same month Mr. Jefferson Davis, of Mississippi, was inaugurated President of the Confederate States of America. On the 22nd, Abraham Lincoln, President-elect of the United States, disguised in a Glengarry bonnet and a long

military cloak, arrived in Washington, coming by a circuitous route from Philadelphia *via* Harrisburg, in order, as it was said, to prevent an anticipated outrage at Baltimore.

The determined attitude of South Carolina in opposition to alleged and anticipated encroachments upon her rights and the rights of her sister slave-states; the self-relying confidence with which—solitary and alone—she dissolved the bonds of the Union for want of a compliance with its stipulations, by a majority of her co-partners; the animosity towards her “domestic institutions” which lies deep-seated in the depths of the Puritanic and aggressive minority of New England, fomented alike by the press and the pulpit, would seem sufficient grounds for a brief history of that state from its first settlement, in order to elucidate points of history. Such a narrative is therefore given.

The first European settlement ever made on the North American continent was made in South Carolina. The object was to secure religious freedom. During the persecutions which harassed the Calvinists in the reign of Charles IX. of France, the French made a settlement at Charleston under their Admiral Coligni, who named the country La Caroline, in honour of that prince. The first notice we have of the present name, Carolina, is in a grant which Charles I., King of Great Britain, made to Sir Robert Heath, including a large extent of that country to the south and west, by the name of Carolina. Upon the restoration of Charles II., this country was granted by him in the year 1663 to certain noble persons, with extraordinary privileges, as appears by the charter of that king to Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkeley; Anthony, Lord Ashley; Sir George Carteret, Sir William Berkeley, and Sir John Colleton, who were thereby created true and absolute lords and proprietors of Carolina. The boundaries by this grant embraced a vast amount of territory, reaching from the Atlantic to the Pacific oceans, and between the parallels of 29° and 36° 30'. Afterwards it was divided into South and North Carolina. In 1671, a small colony from Barbadoes came over, under the auspices of Sir John Yeamens. With this colony were introduced the first, and for a considerable time the only, slaves in Carolina. The revocation of the Edict of Nantes, in 1685, contributed to send many valuable citizens to the province. In 1712, a premium was offered of £14 currency, by law, for each healthy British servant, not a criminal. Immediately after the royal purchase of the province in 1729, bounties were offered, free lands assigned, and other inducements held out to allure settlers. The door was thrown open to Protestants of all nations. Many of the poor and unfortunate of Germany, Switzerland, and Holland, besides the subjects of Great Britain, closed with the offers made. After the suppression of the rebellions of 1715 and 1745, in Scotland, many of the vanquished Highlanders voluntarily sought an asylum in South Carolina. Numbers of Palatines arrived every year, until the King of Prussia refused them a passage through his dominions. When the great conflict for independence commenced, the population of South Carolina amounted to 40,000 whites and 90,000 (slaves) blacks. The insecurity of life, liberty, and property, in revolutionary France, and the indiscriminate massacre of Frenchmen in St. Domingo, drove several hundreds in the last years of the eighteenth century to the shores



of Carolina. They were kindly received, and such as were in want received a temporary accommodation at the expense of the public. This was the last group of settlers the state received from foreign countries.

Anterior to the settlement of Carolina, the proprietors employed John Locke, the philosopher, to draft fundamental constitutions for that province. These contemplated three orders of nobility, and appointed a court to take care of all ceremonies and minor objects. They were never accepted by the people of Carolina; they adhered to the spirit of the charter.

The first contest between the proprietors and the settlers was respecting advances for the encouragement of the latter. To the demand for further supplies of cattle, they were told they must henceforth depend upon their own exertions. This aroused the spirit of the people. In the short space of four years, there were no less than five governors. The last, James Colleton, who was a landgrave, and brother to one of the proprietors, tried to force the people to pay up arrears of quit-rent of lands: one acre out of a thousand for which rents were demanded had not hitherto yielded any profit. In the year 1690, at a meeting of the representatives, a Bill was brought in and passed, "disqualifying Landgrave James Colleton for holding any office, or exercising any authority, civil or military, within the province." They also gave him notice to depart within a limited time from the colony, which, eventually, he was obliged to do. In 1729, the proprietors relinquished their rights and interests in the government and soil of the province to the king. The kind of government conferred on Carolina, when it became a royal province, was formed on the model of the British constitution. It consisted of a governor, a council, and an assembly. The king appointed the governor and council, the assembly was elected by the people. Between the termination of the proprietary government in 1729 and the American revolution, the royal provinces experienced great prosperity. No colony was ever better governed. The first and second Georges were nursing fathers to the province. They performed towards it the full duty of kings, and their paternal care was rewarded with the most ardent love and affection of their subjects in Carolina. Satisfied with her political condition, Carolina did not covet independence; it was forced upon her as the only means of extrication from the grasp of tyranny. The first statute that roused general and united opposition against British taxation was the Stamp Act of 1765. The first act of South Carolina, decisive of a resolution to oppose with force the royal authority, was on the 6th July, 1774, at Charleston, where resolutions were adopted by conventions of the people to assist and support the people of Boston. Deputies were appointed to visit those of the several colonies in general congress. In 1774, the whole quantity of powder in the province did not amount to three thousand pounds. In that year twelve persons, authorised by the Council of Safety, sailed from Charleston, captured a vessel near the bar of St. Augustine, took from her fifteen thousand pounds of powder, spiked her guns, and sailed for Beaufort, South Carolina, where they arrived in safety. From thence, by land, the powder was carried to Charleston. It enabled the people of South Carolina to supply their suffering brethren in Massachusetts, who were in a great measure destitute of that article. The first blood spilt in defence of liberty in South Carolina was on the 28th of June, 1776, when the fort on

Sullivan Island was attacked by two fifty-gun ships; four frigates, each of twenty-eight guns; one other of twenty-eight guns; and two, each of eight guns. They were repulsed. This fort is now known as Fort Moultrie, after the name of its gallant defender.

On July 4th, 1776, South Carolina was one of the thirteen states that declared for American independence. War had already commenced. It lasted until 1783, when Great Britain acknowledged the independence of the colonies. Subsequent to peace, viz. from 1780 to 1782, the state was in the possession of the British, but the spirit of her sons never quailed in the struggle for independence. On the 23rd May, 1788, South Carolina, by a convention of her people, passed an ordinance assenting to the constitution of the United States. On the 20th December, 1860, by a similar convention she rescinded that ordinance, and asserted her right as a free, sovereign, and independent state.

To understand thoroughly the causes that produced this secession, and, finally, the war that now devastates the land, it is necessary to consider other subjects than that of negro slavery, which is erroneously supposed to have led to the whole evil. Foremost is the question of State Rights.

This great and fundamental doctrine, derived originally from the royal charters by which the several colonies were established by the British Crown, was felt by the founders of American Independence to be the only possible basis upon which their republican liberty could subsist. An immense territorial empire or monarchy, extending over the greater part of the continent, is possible, though undesirable; because its principle is the concentration of power and authority in the hands of one strong, skilful, and able individual, who becomes the head and chief of the army, and, by means of the army, governs the people by exacting obedience to his supreme will. But a great territorial republic, as extensive as that of the United States in the time of Washington, if popular liberty were to be assured within its limits, was only possible by the decentralisation and diffusion of power, and by the jealous supremacy of the several sovereign commonwealths, within their original jurisdiction, in all matters of internal liberty. The idea was, that the first allegiance of an American was due to the state of which he was a citizen; and so strongly was the idea rooted and enforced, that to this moment no man is or can become a citizen of the "United States." The native of Massachusetts is a citizen of Massachusetts, and not of the United States; and the foreigner or immigrant who settles in the country must choose his state, and qualify himself by residence in it, before he can take out letters of naturalisation. It takes five years to make him a citizen of New York; but he can acquire the privilege in six months in some of the rising states of the West, that are too urgently in want of people to till the land and drive off the marauding Indians, to afford to be particular. A league of commonwealths, each governing itself, but united for purposes of defence against foreigners, and especially against England, who was thought to be capable of re-annexing her rebellious colonies if they did not adhere closely together to resist her aggression, was the scheme of American liberty and independence that recommended itself to the judgment of the great men of the Washingtonian era. By that scheme each state had its own constitution, its own legislature, its own executive chief magistrate, and its own



militia; and the federal or central government—kept within the limits of the constitution by the judiciary of the Supreme Court—had but a shadow of power, except in its relations to the outer world. Externally the Union was everything—internally it was nothing. So long as this idea was rigidly acted upon, the American republics, with their nominal and scarcely felt central government, were free, prosperous, and happy. In proportion to the increase of the number of the states, and the extension of the Union backwards from the Atlantic seaboard towards the Pacific, ought to have been the jealousy entertained of any attempt at the centralisation of power. The states, as states, were entirely free. The only liberty denied them by the voluntary compact into which they entered was the liberty to make war upon each other, or to subvert, or endeavour to subvert, by external agencies, their separate constitutions. To all other intents and purposes each state was free to shape its laws according to the social wants, necessities, observances, and prejudices of its people. Massachusetts and New York were free to abolish negro slavery within their boundaries; South Carolina and Georgia were free to retain it. At a later period the commonwealths of Indiana and Illinois were free to prevent the ingress or settlement of any coloured people within their lines. In no sense whatever were these states to be considered provinces of an empire or subdivisions of a unity, such as the English counties and French departments at the present day. In England the law of Northumberland is the law of Devonshire; but in America the law of Maine is not the law of Pennsylvania, nor is the law of Pennsylvania the law of New York or New Jersey. If the states had continued to respect in each other their solemnly secured rights, it is highly probable that the whole continent of North America would have been in due time covered with a congeries of free and happy republics, and that Canada and the British colonies in the north, and Mexico and the Isthmian territories in the south, would have, one by one, asked to form part of the American Union, and been formally admitted to the enjoyment of the privilege. This would, indeed, have been a noble government. Had it been perpetuated, negro slavery would have gradually died out, because it would have proved unprofitable as well as wrong. War would have been at an end, except against any European power that assumed the aggressive, which it would not have done against so stupendous a resistance as America would have offered. The principle of self-government would have been triumphantly asserted; and the American commonwealths would have presented to the world a sublimer spectacle than history has ever yet recorded—the spectacle of a free, untaxed, highly civilised, and progressive people, working out, under the most favourable circumstances, and with the widest facilities for growth and development, the fortunes of the race, and solving happily the great problem of the destinies of humanity.

But this was not to be. The third generation after Washington misunderstood and perverted the fundamental doctrine of republican freedom. New men with new ideas came upon the scene. The scum, the dregs, the refuse, and the rascality of Europe—everybody who had lost or could not obtain a chance in the Old World—flocked into the New; and, knowing nothing of the delicate machinery by which the slender fabric of the federal power was upheld, they set to work to destroy it. The civil war now raging shows with

what success they laboured. They did not bring into the New World with them any knowledge of the checks and counter checks, the nice balances and fine adjustments of the most complicated constitution ever adopted by a civilised people; and they ignorantly interfered with its working, till the machine split with a noise that has startled the world. They were aided by the New England Puritans and Educationalists, whose ideas were mainly derived from European literature at a time when America had no literature of its own; and, as this class looked much more fondly to the realisation of their dream of being a great and dominant rather than a free and happy people, they strengthened the federal power whenever they had the opportunity, and weakened the state power, which was the best guarantee of their own liberties. The manufacturing interest in New England and Pennsylvania, with a view ostensibly to the development of national industry, but really with the design of their own enrichment, agitated the question of a protective tariff, by which they might compel the agricultural people of the South and West to buy native goods at double, and often treble, the price at which a better class of fabrics could have been imported from England. This was one of the first of the many predisposing causes of disunion which were introduced and fostered by those who wished to make America one nation instead of a partnership of nations. In due time, after the emancipation by Great Britain of the slaves in the West India islands, the attempt was made to elevate negro slavery in America into the dignity and importance of a national instead of a sectional question. For nearly thirty years the question was agitated, but mostly by the European and Puritanic elements of American society, the sole results being, first to exasperate the Southern states against the revolutionists of the North, who would not confine themselves to their own business; and, secondly, to strengthen the South in its determination, not only to uphold and maintain, but to justify the institution. And all this was done in the false assumption that the Union was a nation, and that the federal government had both the right and the power to interfere with the state constitutions whenever it thought it just and expedient to do so. Questions of free trade and tariff, extension of territory, and the abolition of slavery, were but the different phases assumed from time to time by the one great and paramount question of the federal against the state authority. The clearest-headed and most patriotic men of America foresaw the inevitable result, and deprecated the encroachment with all the energy they could command. As the North increased in population more rapidly than the South, in consequence of the influx, not only of ignorant but of unprincipled and reckless foreigners from Europe, and the South held out the more tenaciously to state rights the more vehemently they were attacked, the conviction forced itself upon the minds of all its leading men that a disruption of the Union was only a question of time. They did not wish to expedite it; nor, could they have ruled the country on the doctrine of state rights, as enforced by the decisions of the Supreme Court, would they ever have thought of breaking up the nominal Union, under which all the states had so marvellously prospered. But they were too constantly goaded on the slavery question, and too constantly taxed in all articles of foreign produce by the operation of a protectional tariff, exclusively beneficial to Northern manufacturers, to be otherwise than dissatisfied with the partnership to which they



seemed to be doomed. The North refused to take warning. Strong in theory, it despised fact. It required justice to the negro, even though the white race should be ruined, and the black along with it. Ultimately, as just recorded, the Southern people took the remedy into their own hands by secession, and were willing to forfeit many solid advantages derived from the Union, in order that they might be free from the constant interference of the North with their system of labour. They could not abolish slavery, even if they wished to do so; for four millions of slaves could not be suddenly set free without danger to themselves as well as ruin to their masters; and when they knew that the agitation in the negro's favour was got up in Massachusetts and other New England states, in the midst of communities that treated the negro as a social pariah, they hurled against the North the imputation of hypocrisy as well as illegality, and declined to have further partnership with it.

The North has misunderstood liberty and the principles of its own government through the whole course of these unhappy disputes, and the horrible war that has grown out of them. It was itself free from the guilt of slavery, and that ought to have been enough. Attempting coercion by the sword, it attempted what was beyond its right and its province, and suffered accordingly. Those who take to the sword, perish by the sword. And, under the operation of so-called military necessities, it lost its own liberties without doing the smallest particle of good to the black men whom it attempted to free, or removing a single obstacle that blocks the way to universal emancipation.

Twenty millions of white Northern men exist under a despotism; and four millions of black Southern men remain just what and where they were before the war commenced. And all this has happened because the Northern Americans wanted to be a nation when they were not a nation; and attacked that principle of state sovereignty and local self-government which was the only possible basis on which their Republican form of government could subsist. But they were a proud people, and needed to be taught a lesson of humility. They are receiving it at this moment (1863), and all the world looks on with sympathy and wonder.





## APPENDIX.

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### DECLARATION OF INDEPENDENCE.

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PROCEEDINGS IN THE CONGRESS OF THE UNITED COLONIES RESPECTING "A  
DECLARATION OF INDEPENDENCE BY THE REPRESENTATIVES OF THE UNITED  
STATES OF AMERICA, IN CONGRESS ASSEMBLED."

#### *In the Congress of the United Colonies :*

Tuesday, June 11, 1776.—*Resolved*,—"That the committee for preparing the Declaration consist of five:"—the members chosen, Mr. Jefferson, Mr. John Adams, Mr. Franklin, Mr. Sherman, and Mr. R. R. Livingston.

Monday, July 1, 1776.—The order of the day being read, *Resolved*,—"That this Congress will resolve itself into a committee of the whole, to take into consideration the resolution respecting independency.

"That the Declaration be referred to said committee."

The Congress resolved itself into a committee of the whole. After some time the President resumed the chair, and Mr. Harrison reported, that the committee had come to a resolution, which they desired him to report, and to move for leave to sit again.

The resolution agreed to by the committee of the whole being read, the determination thereof was, at the request of a colony, postponed until to-morrow.

*Resolved*,—"That this Congress will to-morrow resolve itself into a committee of the whole, to take into consideration the Declaration respecting independence."

Tuesday, July 2, 1776.—The Congress resumed the consideration of the resolution reported from the committee of the whole; which was agreed to as follows :—

*Resolved*,—"That these United Colonies are, and of right ought to be, *free and independent states*; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved."

Agreeable to the order of the day, the Congress resolved itself into a committee of the whole; and, after some time, the President resumed the chair, and Mr. Harrison reported, that the committee have had under consideration

the Declaration to them referred ; but, not having had time to go through the same, desired him to move for leave to sit again.

*Resolved*,—"That this Congress will to-morrow again resolve itself into a committee of the whole, to take into their further consideration the Declaration respecting independence."

Wednesday, July 3, 1776.—Agreeable to the order of the day, the Congress resolved itself into a committee of the whole, to take into their further consideration the Declaration ; and, after some time, the President resumed the chair, and Mr. Harrison reported, that the committee not having yet gone through it, desired leave to sit again.

*Resolved*,—"That this Congress will to-morrow again resolve itself into a committee of the whole, to take into their further consideration the Declaration of Independence."

Thursday, July 4, 1776.—Agreeable to the order of the day, the Congress resolved itself into a committee of the whole, to take into their further consideration the Declaration ; and after some time the President resumed the chair, and Mr. Harrison reported, that the committee had agreed to a declaration, which they desired him to report.

The Declaration being read, was agreed to as follows :—

*"A Declaration by the Representatives of the United States of America, in Congress assembled.*

"When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the Earth, the separate and equal station to which the laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

"We hold these truths to be self-evident, that all men are created equal ; that they are endowed by their Creator with certain unalienable rights ; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed ; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organising its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes ; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations,



all having, in direct object, the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world:—

“He has refused his assent to laws the most wholesome and necessary for the public good.

“He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

“He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

“He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

“He has dissolved representative houses repeatedly for opposing with manly firmness his invasions on the rights of the people.

“He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state, remaining, in the meantime, exposed to all the danger of invasion from without, and convulsions within.

“He has endeavoured to prevent the population of these states; for that purpose, obstructing the laws for naturalisation of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

“He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

“He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

“He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

“He has kept among us in times of peace standing armies, without the consent of our legislature.

“He has affected to render the military independent of, and superior to, the civil power.

“He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation—for quartering large bodies of armed troops among us; for protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states; for cutting off our trade with all parts of the world; for imposing taxes on us without our consent; for depriving us, in many cases, of the benefits of trial by jury; for transporting us beyond seas to be tried for pretended offences; for abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies; for taking away our charters, abolishing our most valuable laws, and altering fundamentally the powers of our governments; for suspending our own legislatures,

and declaring themselves invested with power to legislate for us in all cases whatsoever.

“He has abdicated government here, by declaring us out of his protection, and waging war against us.

“He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

“He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilised nation.

“He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

“He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

“In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

“Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war—in peace, friends.

“We, therefore, the representatives of the UNITED STATES OF AMERICA, in General Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, *free and independent states*; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as *free and independent states*, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour.”

The foregoing declaration was, by order of Congress, engrossed, and signed by the following members:—John Hancock; Josiah Bartlett, William Whipple, and Matthew Thornton, of New Hampshire; Samuel Adams, John Adams,



Robert Treat Paine, and Elbridge Gerry, of Massachusetts Bay; Stephen Hopkins, and William Ellery, of Rhode Island; Roger Sherman, Samuel Huntington, William Williams, and Oliver Wolcott, of Connecticut; William Floyd, Philip Livingston, Francis Lewis, and Lewis Morris, of New York; Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, and Abraham Clark, of New Jersey; Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, and George Ross, of Pennsylvania; Cæsar Rodney, George Read, and Thomas M'Kean, of Delaware; Samuel Chase, William Paca, Thomas Stone, and Charles Carroll (of Carrollton), of Maryland; George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, jun., Francis Lightfoot Lee, and Carter Braxton, of Virginia; William Hooper, Joseph Hewes, and John Penn, of North Carolina; Edward Rutledge, Thomas Heyward, jun., Thomas Lynch, jun., and Arthur Middleton, of South Carolina; Button Gwinnett, Lyman Hall, and George Walton, of Georgia.

*Resolved*,—"That copies of the Declaration be sent to the several assemblies, conventions, and committees, or councils of safety, and to the several commanding officers of the continental troops; that it be proclaimed in each of the United States, and at the head of the army."

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## CONSTITUTION

### OF THE UNITED STATES OF AMERICA.

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WE, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

#### ARTICLE I.

*Section 1.*—All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

*Section 2.*—The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative: and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

*Section 3.*—The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit under the United States: but the party convicted shall, nevertheless, be



liable and subject to indictment, trial, judgment, and punishment, according to law.

*Section 4.*—The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law, make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

*Section 5.*—Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rule of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the “yeas” and “nays” of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the Session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

*Section 6.*—The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

*Section 7.*—All Bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the Bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it

shall become a law. But in all such cases the votes of both houses shall be determined by "yeas" and "nays," and the names of the persons voting for and against the Bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a Bill.

*Section 8.*—The Congress shall have power—

To lay and collect taxes, duties, imposts and excises to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalisation, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organising, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;



To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings ;— and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

*Section 9.*—The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No Bill of attainder or *ex post facto* law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another ; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States : and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

*Section 10.*—No State shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisals ; coin money ; emit bills of credit ; make anything but gold and silver coin a tender in payment of debts ; pass any Bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws : and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States ; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

*Section 1.* The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows :—

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress ; but no Senator, or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed ; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President ; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.]\*

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes ; which day shall be the same throughout the United States.

No person, except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President ; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

\* This clause within brackets has been superseded and annulled by the 12th Amendment on p. 732.



The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enters on the execution of his office, he shall take the following oath or affirmation :—

“ I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

*Section 2.* The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur ; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law : but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

*Section 3.* He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient ; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper ; he shall receive ambassadors and other public ministers ; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

*Section 4.* The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanours.

### ARTICLE III.

*Section 1.* The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

*Section 2.* The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

*Section 3.* Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

#### ARTICLE IV.

*Section 1.* Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effects thereof.

*Section 2.* The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

*Section 3.* New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and



regulations respecting the territory or other property belonging to the United States ; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

*Section 4.* The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion ; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

#### ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress ; provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article ; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

#### ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land ; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

#### ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven and of the Independence of the United States of America the twelfth In witness whereof we have hereunto subscribed our names

GEO. WASHINGTON,  
*Presidt. and deputy from Virginia.*

5 A

*New Hampshire*.—John Langdon, Nicholas Gilman.

*Massachusetts*.—Nathaniel Gorham, Rufus King.

*Connecticut*.—Wm. Saml. Johnson, Roger Sherman.

*New York*.—Alexander Hamilton.

*New Jersey*.—Wil: Livingston, Wm. Paterson, David Brearley  
Jona. Dayton.

*Pennsylvania*.—B. Franklin, Robt. Morris, Tho: Fitzsimons, James  
Wilson, Thomas Mifflin, Geo: Clymer, Jared Ingersoll, Gouv:  
Morris.

*Delaware*.—Geo: Read, John Dickinson, Jaco: Broom, Gunning  
Bedford, Jun'r, Richard Bassett.

*Maryland*.—James M'Henry, Danl. Carroll, Dan: of St. Thos. Jenifer.

*Virginia*.—John Blair, James Madison, Jr.

*North Carolina*.—Wm. Blount, Hu. Williamson, Rich'd Dobbs Spaight.

*South Carolina*.—J. Rutledge, Charles Pinckney, Charles Cotesworth  
Pinckney, Pierce Butler.

*Georgia*.—William Few, Abr. Baldwin.

Attest:                      WILLIAM JACKSON, *Secretary*.

## ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CON- STITUTION OF THE UNITED STATES OF AMERICA.

*Proposed by Congress, and ratified by the Legislatures of the several States,  
pursuant to the fifth Article of the original Constitution.*

### ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### ARTICLE II.

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

### ARTICLE III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.



## ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched, and the person or things to be seized.

## ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor to be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

## ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

## ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

## ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United

States by citizens of another State, or by citizens or subjects of any foreign State.

## ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-Presidents, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of the electors appointed; and if no person have such a majority, then from the persons having the highest numbers (not exceeding three) on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation of each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

### *Dates of the Adoption of the Constitution, and of the Amendments.*

The Constitution . . . . .	17th September, 1787.
The first ten Amendments . . . . .	15th December, 1791.
The eleventh Amendment . . . . .	8th January, 1798.
The twelfth Amendment . . . . .	25th September, 1804.



## WASHINGTON'S FAREWELL ADDRESS

TO THE PEOPLE OF THE UNITED STATES.\*

FRIENDS AND FELLOW-CITIZENS,—The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person, who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for

\* This Address is here printed from a copy of *Claypoole's American Daily Advertiser*, for September 19, 1796. On this paper are endorsed the following words in Washington's handwriting, which were designed as an instruction to the copyist, who recorded the Address in the letter book:—"The letter contained in this gazette, addressed 'To the People of the United States,' is to be recorded, and in the order of its date. Let it have a blank page before and after it, so as to stand distinct. Let it be written with a letter larger and fuller than the common recording hand. And where the words are printed with capital letters, it is to be done so in recording. And those other words that are printed in italics, must be scored underneath, and straight, by a ruler."—*Writings of Washington*. Sparks's Ed.

my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say, that I have, with good intentions, contributed towards the organisation and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe, that while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honours it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which, not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a People. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement



to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad: of your safety; of your prosperity; of that very Liberty which you so highly prize. But as it is easy to foresee, that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the Palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you in your national capacity, must always exalt the just pride of Patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the Independence and Liberty you possess are the work of joint counsels, and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds, in the productions of the latter, great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land

and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort, and, what is, perhaps, of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in Union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from Union an exemption from those broils and wars between themselves, which so frequently afflict neighbouring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to Republican Liberty. In this sense it is that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the UNION as a primary object of Patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorised to hope that a proper organisation of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to Union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavour to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterising parties by *Geographical* discriminations, *Northern* and *Southern*, *Atlantic* and *Western*, whence designing men may endeavour to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country



have lately had a useful lesson on this head ; they have seen, in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interest in regard to the MISSISSIPPI. They have been witnesses to the formation of two treaties, that with Great Britain, and that with Spain, which secure to them everything they could desire in respect to our foreign relations towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the UNION by which they were procured ? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens ?

To the efficacy and permanency of your Union, a Government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute ; they must inevitably experience the infractions and interruptions, which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of Government better calculated than your former for an intimate Union, and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true Liberty. The basis of our political systems is the right of the people to make and to alter their Constitutions of Government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish Government presupposes the duty of every individual to obey the established Government.

All obstructions to the execution of the Laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organise faction, to give it an artificial and extraordinary force ; to put, in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community ; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common counsels, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the

reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard, by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that, for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigour as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of a party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but, in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of Public Liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the Public Councils, and enfeeble the Public Administration. It agitates the Community with ill-founded jealousies and



false alarms; kindles the animosity of one part against another, foment occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the Government, and serve to keep alive the spirit of Liberty. This, within certain limits, is probably true; and in Governments of a Monarchical cast, Patriotism may look with indulgence, if not with favour, upon the spirit of party. But in those of the popular character, in Governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And, there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the Guardian of the Public Weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment, in the way which the constitution designates. But let there be no change by usurpation; for, though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labour to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens. The mere Politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar

structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is, to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belong to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be Revenue; that to have Revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all Nations; cultivate peace and harmony with all. Religion and Morality enjoin this conduct; and can it be, that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great Nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt, that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a Nation with its Virtue? The experiment at least is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular Nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The Nation, which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to



lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions; obstinate, envenomed, and bloody contests. The Nation, prompted by ill-will and resentment, sometimes impels to war the Government, contrary to the best calculations of policy. The Government sometimes participates in the national propensity, and adopts, through passion, what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of Nations has been the victim.

So likewise, a passionate attachment of one Nation for another produces a variety of evils. Sympathy for the favourite Nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favourite Nation of privileges denied to others, which is apt doubly to injure the Nation making the concessions; by unnecessarily parting with what ought to have been retained; and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favourite nation) facility to betray or sacrifice the interest of their own country, without odium, sometimes even with popularity; gilding, with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent Patriot. How many opportunities do they afford to tamper with domestic factions, to practise the arts of seduction, to mislead public opinion, to influence or awe the Public Councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens,) the jealousy of a free people ought to be *constantly* awake, since history and experience prove, that foreign influence is one of the most baneful foes of Republican Government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favourite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humour, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world—so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronising infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense; but, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favours or preferences, consulting the natural course of things, diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favours from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favours, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favours from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.



In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But, if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my Proclamation of the 22nd of April, 1793, is the index to my Plan. Sanctioned by your approving voice, and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe, that, according to my understanding of the matter, that right, so far from being denied by any of the Belligerent Powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavour to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope, that my Country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent

abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat, in which I promise myself to realise, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever favourite object of my heart, and the happy reward, as I trust, of our mutual cares, labours, and dangers.

GEORGE WASHINGTON.

*United States, September 17th, 1796.*



## ILLUSTRATED SUPPLEMENT.

IN the preceding pages the publisher has endeavoured to faithfully discharge the task he originally set before himself, and has placed in the hands of his readers what he believes to be an unbiassed History of the United States, from their foundation as English colonies to the time of the unfortunate division that has issued in the present devastating war. There are few thinking men in Europe who would now venture to name even a probable date for the termination of that struggle which has convulsed the entire continent of Northern America, and seriously affected the welfare of millions. But it is only by slow degrees that the writer, as well as many other and wiser heads, both in this country and in the United States, has become alive to the fierce energy and unflagging zeal with which both parties have carried on the contest, and still, in spite of daily increasing burdens, manifest their determination to abide by the principles which actuated them in its commencement. The private opinion of the publisher, and his disappointment at finding the war thus prolonged, would, however, have little to do with the present work, which was originally announced to be complete when it reached the *secession* of the Southern States, had he not somewhat indiscreetly allowed his impressions to in a certain degree influence the book on which he was engaged. At one period during the early portion of his labours, he felt a confident expectation that he should not only be able to reach the point at which the war commenced, but that he should also have time and space to include in his pages a brief continuous narrative of events which have attracted the attention of all civilised nations. Could this have been done, it would have rendered the present History a complete epitome of the many records of the American Republic which have sought for English approval. Acting upon this idea, the publisher rashly, as it has proved, sanctioned the insertion of several engravings, executed from American drawings, the subjects of which were either portraits of the leaders in the war, or representations of its most important incidents. Time has shown that the idea once entertained (though not announced) of concluding the work with a sketch of the war cannot be carried out, without a delay in completion and an extension of size and price which would be fatal to the success of the book and unjust to its readers. The publisher has therefore, with great regret, abandoned the project. The serial form in which the work is issued precludes him from withdrawing those plates from circulation after they have once been placed in the hands of the public; but unwilling that any engraving should appear which might seem unconnected with the history, he has included in the following pages such details as will give to each plate an interest in the eyes of those who have watched with anxiety the changing fortunes of the two great parties, and enable them to place the whole in chronological order at the conclusion of their volumes as a pleasing and instructive Illustrated Supplement.

## GENERAL BURNSIDE.

GENERAL AMBROSE EVERETT BURNSIDE was born at Liberty, Union County, Indiana, on the 23rd of May, 1824. In 1842, at the age of nineteen, he entered the Military Academy at West Point, and graduated in 1847, when he became a second lieutenant in the Second United States' Artillery. In September of the same year, being transferred to the Third Artillery, he served in the company of Captain Bragg, now one of the foremost generals in the Confederate service, and marched with General Patterson's division to Mexico, where he remained until the end of the war.

Subsequently, while second lieutenant in the same company, he was engaged for several years in the campaign against the Indians of New Mexico, and in August, 1849, greatly distinguished himself in a skirmish with the Apaches at Los Vegas, routing them, killing eighteen, capturing nine, and a number of horses. For his spirit and success on this occasion he was promoted to a first lieutenancy.

In the commission appointed to settle the boundary line between Mexico and the United States, Burnside served as quartermaster; and in 1851, as bearer of despatches from Colonel Graham to President Fillmore, performed the memorable feat of riding on horseback, with an escort of but three men, from the Gila river across the plains, in seventeen days, over a space of 1,200 miles through a region beset by hostile Indians.

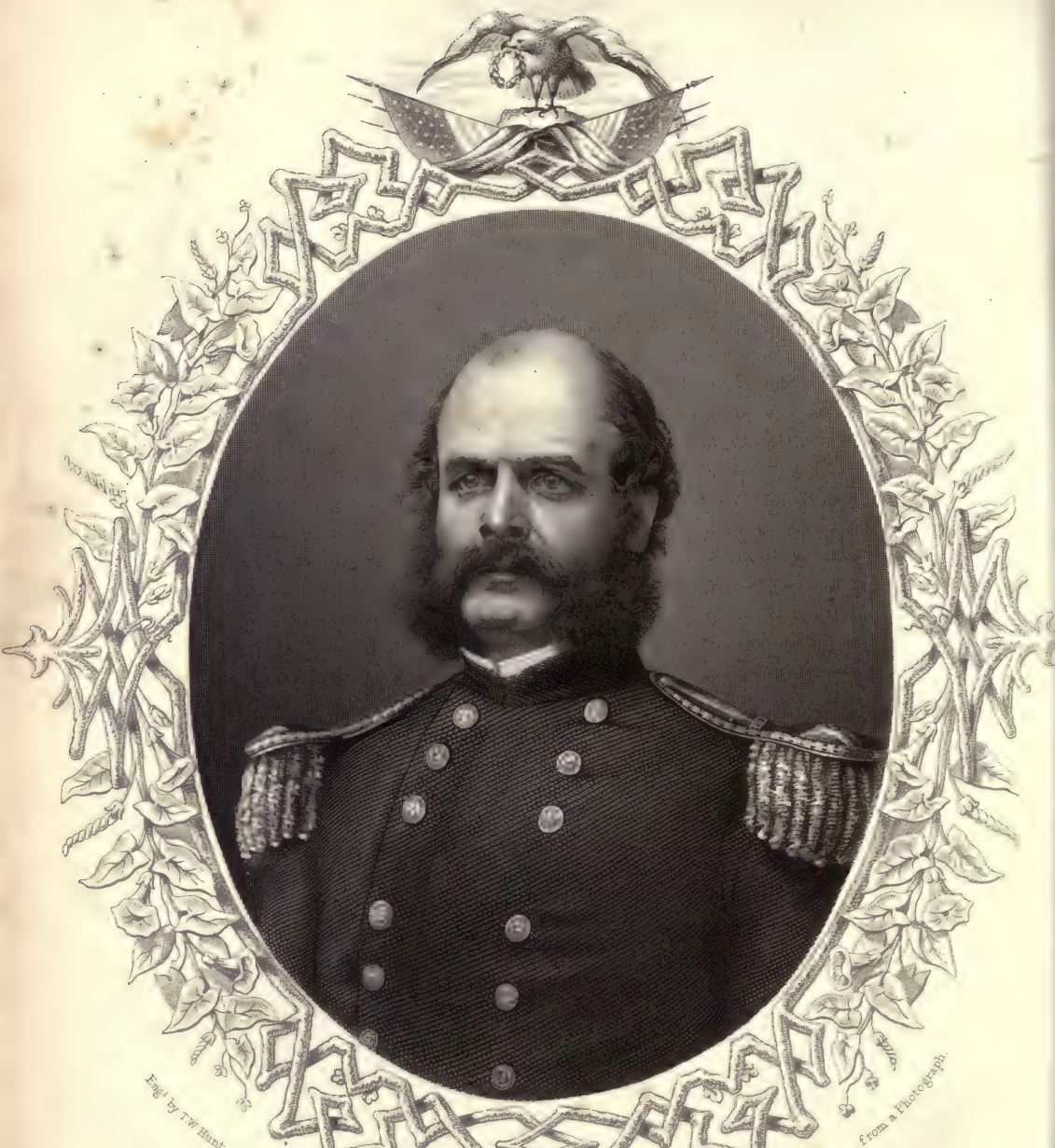
Burnside was next posted at Fort Adams, in Newport Harbour, but, like many of the most enterprising of our officers, tiring of the inactivity of a military station in peace, resigned his commission in 1853, and sought in civil life a more stirring scene of labour.

Having invented a "breach-loading rifle," he devoted himself to its manufacture, in which he was encouraged to embark all his means, during the administration of Buchanan, by the promise of the Secretary of War, Floyd, that it would be adopted by the Government. In the mean time, that unscrupulous public officer is supposed to have made a contract with another inventor, by whom he was promised a share of the profits, and the 'Burnside rifle' was refused the Government patronage. This sudden withdrawal of the expected custom of a prodigal purchaser deprived Burnside of the anticipated profits of his manufactory, and involved him in great losses. The establishment at Bristol, Rhode Island, was subsequently sold to his brother-in-law, who, with a change of rule, has been more fortunate in securing the custom of the Government, which has purchased considerable quantities of his rifles, now extensively used in the army.

Burnside was soon after employed by the Illinois Central Railroad Company as the President of the Land Office Department, and has the credit of having perfected the present time-table arrangement for railroad trains. On receiving this appointment, he removed with his wife, whom he had married at Bristol, in Rhode Island, to Chicago, where he renewed and strengthened his relations with General McClellan, then associated with him in the service of the Illinois Central Railroad Company. Burnside, subsequently appointed treasurer







Surrender of Fort Mifflin.

Major General Burnside



of the Company, removed to New York, where he was living when invited by Governor Sprague, of Rhode Island, to take the command of the First Regiment of Volunteers of that State. Having already, while a resident of Bristol, served as major-general of the militia of Rhode Island, he readily accepted the call to lead his former comrades, and marched with the regiment to Washington. Here, during the days of anxiety and doubt, when the capital was in danger, Burnside became conspicuous for his energy in preparing his soldiers for duty. His regiment was noted for its discipline and perfection of appointment. At the battle of Bull Run he served as a brigadier-general, and was on the advance on that disastrous day, giving an example of self-command and intrepidity which, if it had been generally followed, might have turned the defeat into a victory. He, however, is supposed to have strenuously objected, from what he knew of the imperfect condition of the army of the Potomac, to trust it at that early day in an assault upon an intrenched enemy.

Burnside's merits were at once recognised by the Government, and he was soon made a brigadier, and subsequently a major-general. The leadership of the third expedition against the Southern Confederacy, as will be proved by its history, could not have been trusted to a more competent person.

Burnside has all the characteristics of the popular hero. Tall and graceful in person, active in movement, a bold and skilful horseman, and confident in bearing, with a dash, perhaps, of defiance, which comes from his martial training, he is a noticeable person. Though lively and affable in conversation, and fond of society, there is a certain emphasis in manner, and a positiveness of opinion, denoting a self-reliance, independent of the applause of those who surround him. A high forehead and projecting eyebrows are the external indications of the man of reflection, and his premature baldness, giving greater gravity to his appearance, adds to the impression of the seriousness of his character; he is but thirty-eight years of age, but would be generally considered much older.

General Burnside was appointed, in January, 1862, to the command of the third great expedition despatched by the Federal Government to act upon the Southern coast, which resulted in the capture of Roanoke Island, Elizabeth City, and Newbern. His success on this occasion is well known, and the value of the conquest of Roanoke Island alone may be judged of by the brief summary which the General forwarded to Washington. We quote his own words:—

"I have the honour to report," he wrote, "that a combined attack upon this island was commenced upon the morning of the 7th, by the naval and military forces of this expedition, which has resulted in the capture of six forts, forty guns, over 2,000 prisoners, and upwards of 3,000 small-arms.

"Amongst the prisoners are Colonel Shaw, commander of the island, and O. Jennings Wise, Commander of the Wise Legion. The latter was mortally wounded, and has since died. The whole work was finished on the afternoon of the 8th inst., after a hard day's fighting, by a brilliant charge in the centre of the island, and a rapid pursuit of the enemy to the north end, resulting in the capture of the prisoners mentioned above. We have had no time to count them, but the number is estimated at nearly 3,000. Our men fought bravely, and have endured most manfully the hardships incident to fighting through swamps and dense thickets."

## COMMODORE FOOTE.

ANDREW H. FOOTE, a name gloriously associated with the events of the war in Kentucky and Tennessee, was born in Connecticut. His father was the Senator Foote from that State, in answer to whom Daniel Webster made one of his most memorable speeches. Young Foote entered the navy as a midshipman on the 4th of December, 1822. On the 19th of the same month, of the year 1852, after a long period of active service, he was appointed a commander. In the attack made by the Americans in the year 1856 upon the Chinese forts, he was in command, and showed his spirit and enterprise by laying his vessel, bow foremost, immediately under the guns of the enemy, and by the success of the manœuvre proved its advantage over the system of his allies, who fought at long range.

After a service of more than a score of years on sea, and some ten on land, in various employments connected with the naval department, Commander Foote was placed at the head of the Navy Yard at Brooklyn, New York. At the beginning of the war he was promoted to a captaincy, and charged with organising the flotilla of gun-boats at St. Louis and Cairo, to operate on the Western rivers. In the performance of this duty, which was beset with great difficulties, he showed an unconquerable energy, and the successful result is a triumph, the honour of which is conceded chiefly to him. Captain Foote is now nearly sixty years of age, but though he has grown grey in the tranquil service of his country during peace, he still shows a vigour and courage equal to the trying duties of a leader in war."

To enter into a detailed account of the career of Commodore Foote would far exceed our limits, but a brief record of one incident which has been of great benefit to the Federal cause, will place our readers in a position to judge of the value of such a commander in times when skilful naval officers are in such great demand. In the beginning of 1862 it was finally determined by the cabinet of Abraham Lincoln to attack Fort Henry, then in possession of the Confederates.

This work stands on the east bank of the Tennessee river, upon low ground, about the height of the high-water mark. A bend just above prevents any command up the stream; but the Tennessee below, being straight for two miles, the guns of the fort have an effective range for that distance in the direction of the flow of the river. On the opposite side of the Tennessee are three hills, which command the fort; but, although the enemy had commenced raising fortifications upon them, they had never been completed. Fort Henry was an earth-work, scientifically constructed, and mounted with seventeen cannon, most of which were of heavy calibre, there being one 121-pounder, eight or ten 32-pounders, four 12-pounders, and other powerful guns. To the fort were attached barracks and an encampment capable of accommodating 15,000 men. Brigadier-General Tilghman was the Confederate chief in command.

It was the design to make a naval and military attack upon Fort Henry, but in consequence of the state of the roads, the land force was delayed in its







Eng'd by G. Stodart, Junr

from a Photograph.



Taking Steamer No. 10.

*Commodore Fete.*



march, and the work devolved entirely upon Captain Foote, with his flotilla of gun-boats.

The flotilla sailed from Cairo on the morning of the 6th of February. It consisted of seven gun-boats, of which four were new and iron-clad, and three old. The former, the *Cincinnati*, Commander Stembel, upon which was Captain Foote as flag-officer; the *Essex*, Commander Porter; the *Carondelet*, Commander Walker; and the *St. Louis*, Lieutenant-Commanding Paulding, constituted the first division. The latter, the *Conestoga*, Lieutenant-Commanding Phelps; the *Tyler*, Lieutenant-Commanding Gavin; and the *Lexington*, Lieutenant-Commanding Shirk, formed the second division, under the general command of Lieutenant Phelps.

The first division, commanded by Captain Foote in person, moved up the Tennessee river in advance, with the view of making a direct attack upon Fort Henry, while the second division was kept astern and nearer shore, to be ready to co-operate. Captain Foote having formed his division in a parallel line, moved his vessels with their bows pointed directly at the fort, and on reaching within 1,700 yards of the enemy's works, opened from his flag-ship a fire which was immediately followed by that of the other gun-boats. The enemy at the same time responded, and thus began, at half-past twelve o'clock, the conflict at Fort Henry, which resulted so triumphantly to the Unionists.

Foote continued to approach closer and closer with his parallel line of gun-boats until he reached within 600 yards of the fort. The fire now on both sides increased greatly in rapidity and accuracy of range.

After the firing had continued about an hour, the *Essex* received a shot in her boiler, which entirely disabled the vessel, so that she was forced to drop astern out of the action. The escape of steam which followed killed five, and scalded some forty or fifty others, among whom was the commander.

The firing, however, between the fort and the three gun-boats left, continued with unabated vigour, until the "rebel flag," says Captain Foote in his report, "was hauled down, after a very severe and closely contested action of one hour and fifteen minutes."

As soon as the enemy's flag was lowered, an adjutant-general and captain of engineers came off in a boat and reported that General Tilghman, the commander of the fort, wished to communicate with the flag-officer. Captain Foote accordingly despatched Commander Stembel and Lieutenant-Commanding Phelps, with orders to hoist the American flag where the "rebel ensign had been flying," and to inform General Tilghman that the flag-officer would see him on his ship. The defeated commander soon after arrived, and delivering up his sword to Captain Foote, said, "Captain, I am glad to surrender to so gallant an officer;" whereupon he received the reply, "You do perfectly right, sir, in surrendering, but you should have blown my boats out of the water before I would have surrendered to you."

General Grant arrived with his force towards the close of the engagement, in time to take possession of the fort, but too late to prevent the escape of the several thousand men encamped on the outside, who fled before the attack. The prisoners taken amounted to about sixty, including General Tilghman and his staff. Captain Foote paid this tribute to his conquered enemy:—

“Fort Henry was defended with the most determined gallantry by General Tilghman, worthy of a better cause, who, from his own account, went into the action with eleven guns of heavy calibre, bearing upon our boats, which he fought until seven of the number were dismantled, or otherwise rendered useless.”

The enemy certainly worked their guns with great energy and accuracy. The Cincinnati, the flag-ship, received thirty-one shots, the Essex fifteen, the St. Louis seven, and the Carondelet six. Such, however, was the efficacy of the iron-plating of these boats, that not one, with the exception of the Essex, was seriously damaged. The men, moreover, considering the closeness and severity of the engagement, suffered little. One was killed, and nine were wounded on the Cincinnati; one killed by gun-shot on the Essex, though some forty were killed or injured by steam; and the Carondelet and St. Louis escaped without damage to a man. The enemy had five killed, and eight or ten wounded.

The capture of Fort Henry having wrested the command of the Tennessee from the secessionists, opened to the Federal gun-boats the passage up the river through the State of Tennessee, and within the borders of Alabama.

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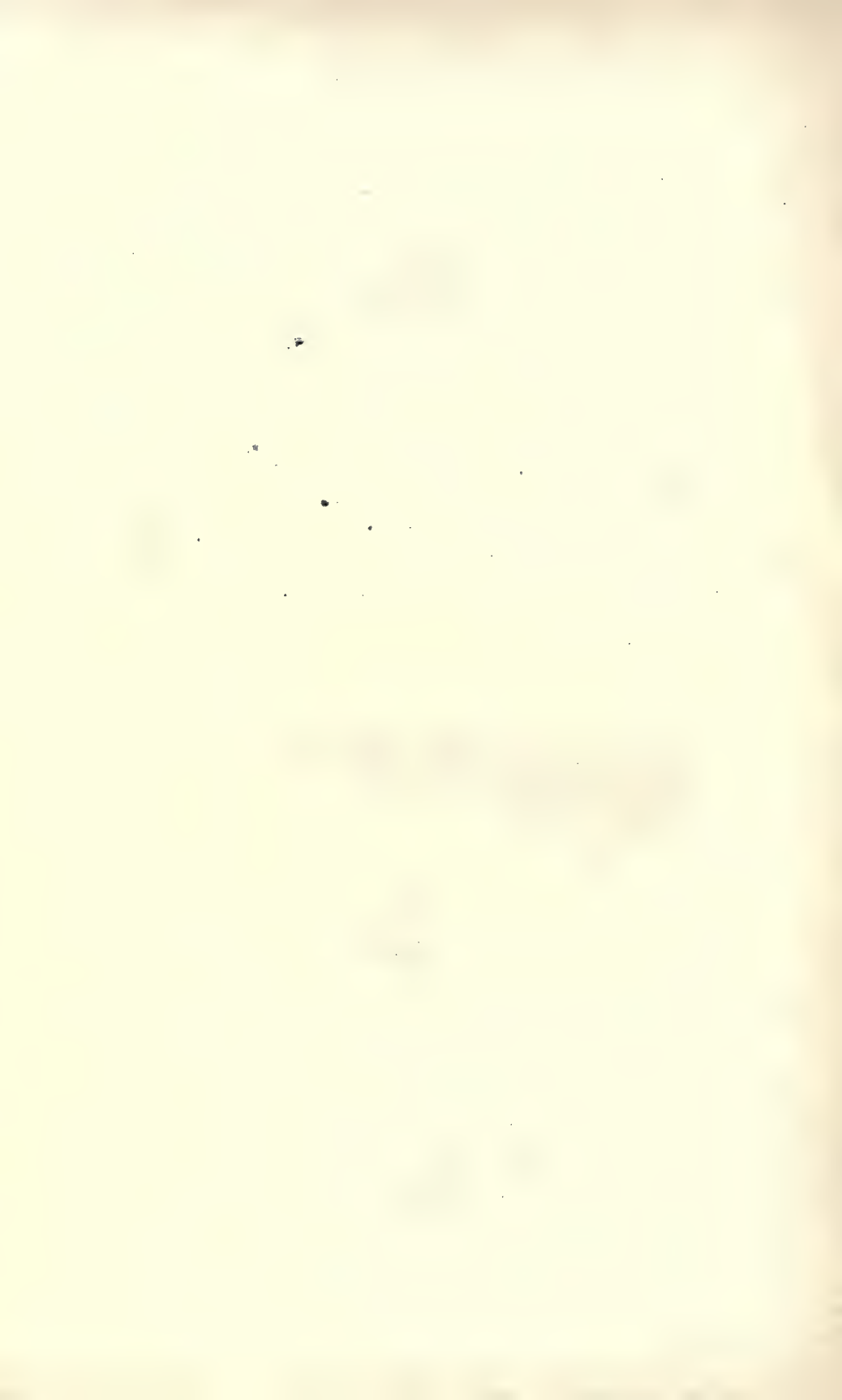
### GENERAL BEAUREGARD.

PETER GUSTAVUS TOUTANT BEAUREGARD had already, while in the service of the United States, won a distinguished reputation as an engineer. He was born on his father's plantation, near New Orleans. The family name is said to be Toutant, and that of the estate Beauregard, which, by a curious accident, was originally attached to the patronymic, and assumed by the present bearer, in this wise: The youth, when admitted a cadet at West Point, was presented as Toutant de Beauregard, signifying merely that he was a Toutant of the plantation of Beauregard, and thus entered upon the records of the institution. This, however, was supposed to be his surname, and he was so called. Not averse, probably, to the dignified sounding of the appellation, the youth did not care to correct the error, and subsequently assumed the name of Beauregard as his own.

His father was a wealthy creole, with extensive estates in Louisiana, and a descendant of a reputable French family. His mother's name was Reggio, for whom has been claimed a descent from the Italian ducal house of the Reggios of Italy. In 1834, young Beauregard entered the military academy at West Point, where he graduated in 1838, ranking the second of a class of forty-five cadets. On his graduation, he received the commission of a second lieutenant in the First Regiment of Artillery, but in a week after was transferred to the corps of Engineers. In June, 1839, he was promoted a first lieutenant, and was serving in this grade when the war with Mexico broke out. He accompanied the army to Vera Cruz, and continued with it during its career of conquest to the capital of Mexico.

At the very first moment he gave indications of that surety of eye, precision







*General Beauregard.*



of foresight, and carefulness of judgment which are his distinguishing qualities. Before Vera Cruz, he was sent out at the head of a party of sappers and miners to dig and prepare a trench, in accordance with the directions of his colonel. Upon examining the ground, however, he appeared to find serious obstacles to the proposed plan. To assure himself, he climbed a tree, and with the aid of his glass took a careful survey, which resulted in confirming the objections to his colonel's plan. He discovered that the trench, if made as proposed, would be enfiladed by the enemy's guns. It was a difficult position for a young subaltern thus to find himself at variance with the judgment of his superior. He, however, did not hesitate, but returned to his colonel without having turned a sod. The officer, surprised to see him so soon, asked if he had done the work already. Beauregard replied that he had not touched it, and gave his reasons. The colonel was still more startled by the presumption of the youthful subaltern who had ventured to dispute the judgment of his superior, instead of submissively obeying his orders. He accordingly, with the characteristic peremptoriness of the military commander, reminded him of duties of obedience, and at the same time impatiently declared that "the ground had been thoroughly examined, a perfect reconnoissance had been made, and that a mistake was impossible." Notwithstanding this, he was impressed by the judgment of Beauregard, and took another survey of the ground, when he found reason to concur with the view of his young lieutenant.

For his gallant conduct at Contreras and Cherubusco, Beauregard was breveted captain, to date from 20th of August, 1847, and again for his services at Chapultepec, he was promoted to the brevet rank of major, to date from the 13th of September of the same year.

At the assault of the Belen gate of the city of Mexico, Beauregard was wounded, and throughout the whole campaign he was not only among the most brave, but ranked among the ablest and most useful of the officers. General Scott, in his despatch from the capital of Mexico, into which he had just entered as conqueror, spoke of Beauregard as one of "our distinguished engineers," by the aid of whose efficient and daring reconnoissances, he was enabled to follow up the victory of El Molino de Rey with the triumphal capture of the city of Mexico. Again, in his official report, Scott alluded to Beauregard as one of the five lieutenants of engineers "who were the admiration of all" during the storming of the fortress of Chapultepec, the struggle at the gates, and the entrance into the capital.

Another illustration of the correctness of his judgment is given in the following incident, said to have occurred before the city of Mexico:

A night or two before the attack, a council of war was held. There were assembled all the officers, from the Lieutenant-General, including Major-General Worth and others, down to Beauregard, the youngest in the room. The council sat many hours. All the officers, but one, had spoken, and unanimously maintained a plan of operations at variance with that of Scott. The officer who had not tendered his opinion was Beauregard. At last General Pierce crossed over and said: "You have not expressed an opinion." "I have not been called on," said Beauregard. Pierce, soon resuming his seat, announced that Lieutenant Beauregard had not given his views. Being then called upon, he remarked, that

if the plan which had received the consent of all but the commanding general was carried into effect, it would prove disastrous. It would be another Cherubusco affair. He then detailed the objections to it at length; and taking up the other, urged the reasons in its favour with equal earnestness. The council reversed their decision. The city of Mexico was entered according to the plan urged by the young lieutenant, and it would seem that his reasons influenced the decision. A few days afterward, General Scott, in the presence of a number of general officers, alluded to Lieutenant Beauregard's opinion at the council, and the consequences which had followed from it.

On his return to Louisiana, the young hero was presented with a costly sword. The Government of the United States appointed him the chief engineer to superintend the construction of the Mint and Custom-house at New Orleans and of the fortifications at the mouth of the Mississippi.

Beauregard is now (1864) about forty-five years of age, and with his healthful manhood, his vigorous and concentrated frame, his promptitude of movement and power of endurance, has all the bodily qualifications for a hardy campaigner. His abilities and thorough culture as an engineer are unquestioned, and his admirers claim for him great capacity as a strategist and leader of armies.

Born in Louisiana, and bound to it by the strong ties of family and property, he has not unnaturally joined his destiny to the fate of his native State. He is, moreover, supposed to have been early involved in the Southern secession, through the influence of his brother-in-law, John Slidell, the former senator of the United States from Louisiana, and one of the main instigators of the present war.

Of General Beauregard's abilities as an engineer, the defences of Charleston, carried out under his direction, give a sufficient testimony, and even his enemies have been compelled to admit that if he had done nothing more, he would, by these alone, have established a claim to rank amongst the most eminent of his country's defenders.

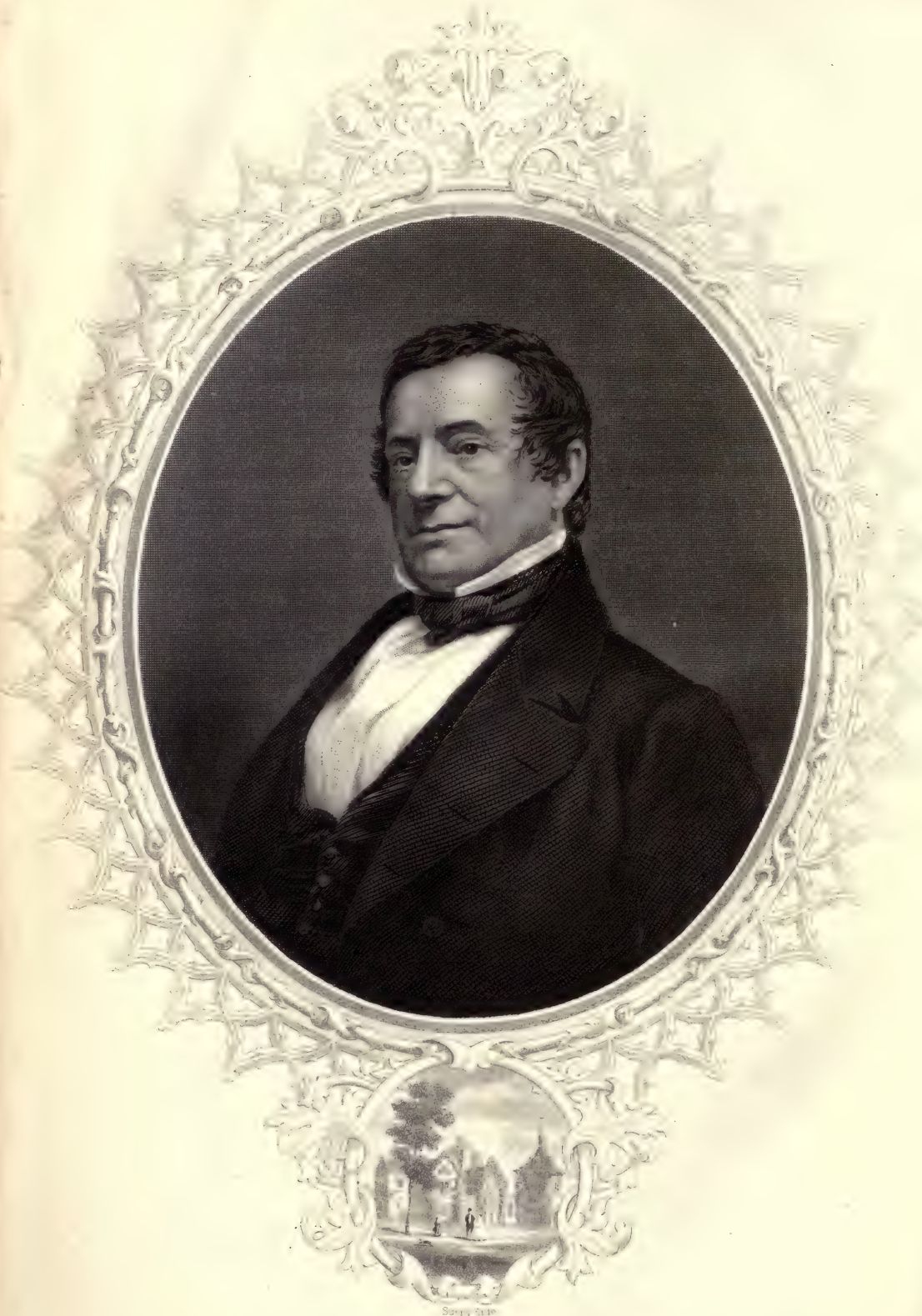
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## WASHINGTON IRVING.

WASHINGTON IRVING, one of the most pleasing and popular of American writers, was born at New York on the 3rd of April, 1783. He was of Scottish origin, his father belonging to a family of Irvings long settled in the Orkney Islands. The elder Irving became a prosperous merchant in New York, married an Englishwoman, and died when Washington was very young. Educated by his elder brothers, more than one of whom combined literary tastes with successful commercial or professional activity, he is described as a meditative and melancholy boy, debarred by ill-health from close application to study or business. The earliest of his recorded contributions to literature were made when he was nineteen, and consisted of papers of dramatic criticism, light sketches of men and manners in New York, &c., published in the form of letters, and under the pseudonym of "Jonathan Oldstyle, Gent," in the *New York Morning Chronicle*, a democratic journal edited by his brother Peter. This was in 1802, and in







Samuel Colman

*Washington Irving.*



1803 he was induced to proceed to the south of Europe, symptoms of pulmonary disease having shown themselves. After a tour in Italy, &c., he paid a visit to England, returning home in 1806, when he resumed his legal studies, and was admitted to the bar. He does not seem to have ever practised as a lawyer. In 1807 appeared at New York a fortnightly magazine, "Salmagundi, or the whims of Lancelot Langstaff," in which Irving was the principal writer of prose, his brother William contributing much of the poetry. Inspired by Irving's humour and vivacity, "Salmagundi" was very popular, but its existence was closed with the twentieth number, owing, it is said, to a dispute between the conductors and the publisher. In 1809 Irving published his first book, the "History of New York, by Diedrich Knickerbocker," the imaginary surname which, made famous by him, he lived to see eagerly bestowed on commodities the most multifarious. It was originally planned in conjunction with his brother Peter, and was to have parodied the matter and manner of a local hand-book, a Picture of New York, long since forgotten. With Peter Irving's departure for Europe, however, this limited scheme was abandoned, and in Washington's hands the work assumed its present form. Its publication was heralded by mystifying paragraphs in the newspapers; and so delicate was the all-pervading irony of the book, that it was accepted by some as an authentic chronicle of New York under the Dutch *régime*, one the memory of which had faded away in the Empire City. With the reading public of the States, the skill of the delineation and the exquisite humour displayed made "Knickerbocker" an immediate favourite. Its fame spread to Britain, where Sir Walter Scott was among its earliest and warmest admirers—a circumstance which afterwards proved of considerable importance to its author. Soon after the publication of "Knickerbocker," Irving was admitted a partner in the thriving commercial house which his brothers had inherited from their father. This connection with commerce was not at first of an engrossing kind, for during the war between the United States and England, he not only acted, with the title of colonel, as aid-de-camp to the governor of New York, but edited a magazine, the *Analectic*. With the peace Irving merged the soldier and the editor in the merchant, and proceeded to Liverpool to conduct the branch which "Irving Brothers" carried on there. It was as an opulent merchant, who had written for amusement a delightful book, that during this residence in Britain, Irving was first welcomed in 1817 by Sir Walter Scott to his own house—a visit which has been gracefully and genially chronicled in "Abbotsford," a sketch afterwards published by Irving in the "Crayon Miscellany." In the same year disaster overtook the firm to which Irving belonged, and he turned to literature not as a pastime, but as a resource. It was under this pressure that he wrote the first half of the "Sketch-book," which he transmitted to New York, where it was published in instalments with the greatest success. Passages from it found their way into English literary journals, exciting attention and interest. Lockhart noticed the "Sketch-book" with generous appreciation in *Blackwood's Magazine*, and Irving resolved on an English edition. Its London publisher failed a month after its appearance. But meanwhile Irving had been in communication with Scott, who, as soon as he learned the new circumstances in which the author of "Knickerbocker" was placed, hastened to the rescue, and

offered Irving the editorship of a periodical projected for publication in Edinburgh. Irving declined the offer on the plea of constitutional unfitness for the post, but Scott did not relax in his exertions to befriend the American author. At his request the late John Murray, by whom the "Sketch-book" had been originally refused, undertook the publication of a new English edition of it, which was issued in July, 1820, in two volumes, a new one being added to the volume which had appeared in London in the preceding February. The success of the "Sketch-book" was now immediate and immense. A new Addison, another Goldsmith, it was said, had appeared, blending the finest humour with delicate sentiment, and wielding a style of marvellous grace and sweetness. An American, Irving at once took rank with the foremost English writers in his own department; and for his next work, "Bracebridge Hall," the publisher of the "Sketch-book" offered a thousand guineas without seeing the MS. For the following twelve years Irving resided chiefly on the Continent, visiting England only when about to publish a new work. In "Bracebridge Hall," composed principally at Paris, and published in 1822, he effected on a more extended scale, and with more elaborateness and finish of execution, for the life of the old-fashioned English country house, what Addison had exquisitely but lightly and hurriedly essayed in the papers which describe the visit of Mr. Spectator to Sir Roger de Coverley. Perhaps in "Bracebridge Hall" what is finest and most peculiar in Irving's genius finds its most complete expression. "Tales of a Traveller"—a medley of sketches and fiction which succeeded "Bracebridge Hall," and was published in 1824—was much inferior to its predecessors; and the languor with which it was received warned Irving that he must seek out another field. It was in the winter of the following year, and while resident in the south of France, that he received the suggestion of Mr. Alexander Everett, then American minister in Spain, to proceed to Madrid, and translate into English the well-known work of Navarrete, Secretary of the Royal Spanish Academy of History—the *Coleccion de los Viajes, &c.*—then on the point of publication, and known to contain a mass of novel and interesting information respecting Columbus and the discovery of America. Irving at once proceeded to Madrid, and there, with Navarrete's work before him, and other new and ample material opening out around him, he resolved to write an original biography of Columbus. His "Life and Voyages of Christopher Columbus" was published in 1828, and remains the standard work upon the subject. He supplemented it in 1831 by another devoted to the voyages and discoveries of the companions of Columbus. Nor were these the only literary fruits of his residence in Spain, to which were also due the delightful sketches, "The Alhambra" (not published till 1832), and the "Chronicle of the Conquest of Granada," 1829, announced by a pleasant fiction as the handiwork of a certain "Fray Antonio Agapida." Though Irving permitted himself in this work more than a historian's licence, it has been praised by Prescott for its strictly historical truth. The year after the appearance of the biography of Columbus, its author was appointed Secretary to the American Legation in London. Returning to London to enter on his official duties, he met with in metropolitan society the reception to which he was entitled. The university of Oxford conferred on him a degree; and of



the two gold medals placed by George IV. at the disposal of the Royal Society of Literature, to be assigned to the most successful cultivators of historical literature, Irving received one, and the late Mr. Hallam the other.

Resigning his diplomatic functions in 1831, he returned after a long absence to America, a distinguished and respected man. He was banqueted in New York, and only his own modesty prevented him from making a triumphant progress through the States. Perhaps it was to escape from the enthusiasm of his admirers that a few months after his arrival he started for the Far West, in the company of a federal official among others, to make the journey pleasantly chronicled in his "Tour on the Prairies," afterwards published, with his "Recollections of Abbotsford and Newstead Abbey," and his "Legends of the Conquest of Spain," in his "Crayon Miscellany" of 1835. In "Astoria," 1836, he sketched the history of the remarkable enterprise which his friend John Jacob Astor had set on foot many years before, to carry the fur trade across the Rocky Mountains, and sweep the shores of the Pacific.

In "The Adventures of Captain Bonneval, or Scenes beyond the Rocky Mountains of the Far West," 1837, he worked up the autobiographical materials of a United States military officer who had abandoned civilised life to roam among the haunts of the red man. He contributed in succeeding years copiously to the *Knickerbocker Magazine*, and some of these contributions were republished in 1855 in the volume of "Chronicles of Wolfert's Roost"—this, by the way, being the name given by him to the estate which he purchased after his return to America in 1831.

To 1841 belongs his "Life and Poetical Remains of the late Margaret Davidson." In 1842, and though not at all a party politician, he received the appointment of minister to Spain, and resided in that capacity at Madrid until the election of a new president in 1845. Returning to America, he spent the remainder of his life in happy and unenforced literary labour, on the estate, which he now called Sunnyside, on the banks of the Hudson, twenty-five miles from New York, and where he dispensed a liberal hospitality.

Between the years 1848-50 he superintended the publication of a collective edition of his works, in fifteen volumes, occasionally interspersing some pleasant and interesting autobiographical matter. To this edition he contributed two original works, also published separately—a delightful and unpretending "Life of Goldsmith," 1849, and "Mahomet and his Successors," 1849-50; historical biographies for which he had years before collected the material, with a view of writing a life of Mahomet for the Family Library. The latest of his literary enterprises was a life of George Washington, completed in 1859. Graceful in its style, calm and impartial in its tone, embodying the results of the latest researches into the biography of Washington and the history of the American revolution, it formed a fitting close to Irving's long literary career.

He died at Sunnyside, in his seventy-eighth year, on the 28th November, 1859, having enriched the literature of his country with many excellent works, some of them among the most graceful in the English language, and bequeathing to the biography of authorship a life singularly pure, honourable, and happy.

The materials for this sketch have been taken from the *Imperial Dictionary of Biography*.

## THE CAPTURE OF ROANOKE ISLAND.

THIS brilliant success of the Federal arms took place in February, 1862, and was effected by the troops under the command of General Burnside, assisted by a naval force under Captain Goldsborough, who moved with his fleet, consisting of thirty-one gun-boats, on the morning of the 5th of February, towards Croatan Sound, and on the 7th began the attack on the enemy's forts on either side. The gun-boats advanced in three columns. The first was led by the Stars and Stripes, Commander Worden; the second by the Louisiana, Commander Murray, and the third by the Hetzel, Commander Davenport. Captain Goldsborough was on board the Southfield, accompanied by the gun-boat Underwriter. These two vessels began the attack at eleven o'clock in the morning, with a fire upon the enemy's fort at Pork Point. In half an hour afterward the engagement became general, with a spirited cannonade on both sides, in which the enemy's gun-boats above the obstructions in Croatan Sound took part. In less than an hour the enemy's flotilla was forced to retire beyond the reach of the Federal guns, after one of the vessels, the Curlew, became so disabled that she was obliged to seek refuge under the guns of a fort on the mainland. Captain Goldsborough concentrated his fire upon the battery at Pork Point, on the island, at a range of three-quarters of a mile or more, being as near as the depth of water would allow. The enemy replied vigorously for a while, until their flag was shot away, the barracks set on fire, and the works began to fall to pieces under the constant dropping of our shells.

It was now that General Burnside prepared to land his troops. The place of disembarkation chosen was Ashby's Harbour, on Roanoke Island, about two miles below, and on the same side as Pork Point. As the troops, at two o'clock, began to land, the enemy, with a force of two thousand men, and a battery of three pieces, occupied the neighbouring woods to oppose them. A shower of shell, however, from the gun-boats, soon dispersed the enemy, and General Burnside was enabled to continue the tedious labour of landing his troops. About midnight he had succeeded in placing on the island a force of nearly 11,000 men, who were conveyed from the transports by small steamers and launches; but such was the shallowness of the water, on approaching the shore, that each man was obliged to wade for a quarter of a mile waist-deep to the land.

In the mean time, while the troops were landing, the enemy's flotilla returned and renewed its fire, which was vigorously answered by several of the Federal gun-boats. The engagement had lasted an hour, when the enemy were again forced, after suffering considerable damage, to withdraw their vessels, and the gun-boats directed their fire against Fort Barton, at Pork Point, which responded but feebly. At six o'clock in the evening, Captain Goldsborough signalled his fleet to withdraw, and thus closed the first day's action. Many of the gun-boats had been struck, but none of them were seriously injured. Three men only had been killed, and some ten wounded.

At an early hour next morning, the Federal troops, which had landed to the number of 11,000 men during the night, moved forward to the attack











AN INCIDENT IN THE RECENT AT THE BATTLE OF MANASSAS.





of the enemy's intrenchment in the centre of the island, about five miles distant from Ashby's Harbour, the place of disembarkation. General Foster assuming the general command as next in rank to General Burnside, who remained at the landing, led the advance, and was followed by the main body, under the command of Generals Reno and Parke.

General Foster having placed his artillery—which consisted of six or eight mortars from the naval launches—in front, opened fire, which was followed by a discharge from the infantry in support. The enemy responded briskly, but in spite of their heavy fire and protected position, General Foster continued to move forward steadily. As Generals Reno and Parke came up with their respective divisions, they made a detour to the right and left of the enemy with a view of flanking them. The whole force was now steadily closing in upon the intrenchments, when at twelve o'clock General Foster ordered Colonel Hawkins, with his New York Zouaves and the Tenth Connecticut Regiment, to charge with bayonets upon the battery which commanded the causeway. A simultaneous movement was made on the right and left, and the enemy, thus surrounded, were driven from their guns back into the intrenchments. The charge of the New York and Connecticut men was gallantly made. They pressed forward with a loud shout, and, in their eagerness, crowding over the narrow causeway, leaped into the morass, knee deep in mud and water, and pushed their way into the fort, thrusting with their bayonets the enemy before them, and taking possession of their guns. The fugitives, escaping from the intrenchments, fled to the northern end of the island, pursued by General Foster, who, upon reaching the extremity of the island, was met by a flag of truce from Colonel Shaw, in command of a Virginia regiment, which had landed there on that morning. The Colonel proposed to negotiate about terms of capitulation, but General Foster replied that the surrender must be unconditional and immediate; and the enemy, without further parley, laid down their arms. The forts were either abandoned or surrendered, and the United States' flag was raised upon all before the close of the day.

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### STRUGGLE ON A BRIDGE DURING THE RETREAT FROM MANASSAS (JULY 21, 1861).

THE Battle of Bull Run may be said to be the first repulse of the army of the Potomac. The Union troops were under the command of General McDowell, and the Confederate army was led by General Beauregard. The locality of this conflict may be thus briefly described:—

Bull Run is a small stream running nearly from west to east to its junction with the Occoquan River, which empties into the Potomac. Nearly midway between Centreville and Manassas, its distance from both is about three miles. From Washington it is twenty-nine miles distant. The stream being ordinarily shallow and sluggish, is easily fordable, but it is occasionally swollen suddenly by

the summer rains so as to become impassable. The banks for the most part are rocky and steep, but there are passage-ways over them leading to and from the numerous fords. The country immediately bordering Bull Run is broken and thickly wooded, but as it leaves the stream it becomes rolling and open. The northern bank is higher, and commands the other and lower side.

Centreville, which had been selected as General McDowell's headquarters, and in which and its neighbourhood his army was encamped, is a village of small houses built upon the western acclivity of a ridge running nearly north and south. It is about twenty-six miles from Washington, and twenty from Alexandria. Through it passes the Warrenton turnpike. This road takes a westerly direction from Alexandria, on the Potomac; at the east, traverses Fairfax Court House and Centreville, and crossing Bull Run about four miles from the latter village, proceeds to Warrenton beyond. The road from Centreville to Manassas Junction starts from the former place at a right angle with the Warrenton turnpike, and passing in a southerly direction, crosses Bull Run at Blackburn's Ford:

The first Federal division, that of General Tyler, was on the Warrenton turnpike about a mile and a half in advance of Centreville, with the exception of the brigade commanded by Richardson, which had opened the attack on the 18th of July. Having fallen back after that unsuccessful attempt, it still occupied the road, from Centreville to Manassas, which led to Blackburn's Ford. The second division, that of General Hunter, was also on the Warrenton turnpike, though two or three miles to the rear of Tyler's division, and to the east of Centreville, while the latter was in advance to the west. The third division, commanded by General Heintzelman, was on the old Braddock road, about a mile and a half in the rear of Centreville; and the fifth division, commanded by General Miles, was on the same road, but nearer to the village. The fourth division, commanded by General Runyon, had been left seven miles in the rear of Centreville, to guard the communications by the way of Vienna and the Orange and Alexandria Railroad, with the entrenchments on the Potomac and the base of operations at Washington.

The divisions were ordered to march at two o'clock in the morning, that they might avoid the sweltering heat of a July sun. There was, however, considerable delay in breaking up the encampments and getting into marching order. The movement at last began.

General Tyler did not succeed in getting his troops to move until half-past two o'clock, half an hour after the time ordered. Shenck's and Sherman's brigades, with Ayres' and Carlisle's batteries, were pushed on in advance, and arrived in front of the bridge where the Warrenton turnpike crosses Bull Run, at half-past six in the morning. Keyes' brigade had been halted within two miles of the stream, in order to watch the cross-road which communicates at that point with the Warrenton turnpike.

Tyler, having been ordered to threaten the bridge, posted his troops accordingly. Schenck's brigade was formed into line, with its left resting in the direction of the bridge and the battery which the enemy had established to defend it, with the view of threatening both. Sherman's brigade was posted to the right of the turnpike, so as to be ready to sustain Schenck, or to cross the stream of Bull Run when the progress of Hunter's division should justify the



movement. The 30-pounder gun attached to Carlisle's battery was posted in advance on the road, and Ayres' battery also, but at a considerable distance in the rear. Carlisle's battery was placed on the left of Sherman's brigade. Having thus disposed his force and fired his signal-gun, Tyler awaited the movement of the main body on his right and the enemy's left, which we now proceed to trace.

Colonel Hunter's division, the second, had followed the march of Tyler along the Warrenton turnpike until it crossed the streamlet termed Cub Run, when it turned to the right and took the by-road through the woods, which, by a circuitous course, led to an upper ford of Bull Run, called Sudley's Spring, where the enemy's left was posted. This movement was in accordance with McDowell's plan of flanking Beauregard in that direction and getting in his rear, with the view of seizing and cutting off his communication by means of the Manassas Gap Railroad with Winchester, where Johnston was known to be with a considerable rebel force.

The circuitous road through the wood was found to be longer and more difficult to march than was anticipated, and accordingly Hunter's division did not reach the ford of Bull Run at Sudley's Spring until half-past nine o'clock in the morning. General Burnside's brigade was foremost. The men being greatly prostrated by the heat of the day, now considerably advanced, and their intemperate ardour in marching, could not be prevented from breaking from the ranks to fill their canteens and slake their thirst in the stream. This caused much delay in re-forming and crossing the ford. Finally, however, order was restored, and the brigade crossed Bull Run and advanced, Colonel Slocum, of the Second Rhode Island Regiment, having thrown out skirmishers on either flank and in front.

The enemy now showed themselves, and soon the head of Burnside's brigade was confronting them. The Second Regiment of Rhode Islanders was immediately pushed forward with its battery of artillery, and the rest of the brigade was formed in a field to the right of the road. The enemy had already begun their fire, and General Hunter, who commanded the division, had been wounded, and obliged to retire from the field.

The Second Rhode Islanders being closely pressed, Burnside ordered up to their support the Seventy-first New York Militia and the Second New Hampshire Volunteers. As, however, they were slow in forming, the First Rhode Islanders were brought up. Their commander, Major Balch, led them gallantly to the field of action, where they performed most effective service in assisting their comrades to repel the attack of the enemy's forces. Soon after, Colonel Martin, of the Seventy-first Regiment New York State Militia, led his regiment into action, and planting the two howitzers belonging to the regiment upon the right of his line, worked them most effectively. "Thus my whole brigade," declares Burnside with just exultation, "was brought into the engagement at the earliest possible moment, and succeeded in compelling the enemy to retire. We were wholly without support, bearing the brunt of the contest until relieved by Major Sykes, of the Third Infantry, United States' Army, who formed his battalion most admirably in front of the enemy, and, pouring in a destructive fire upon his lines, assisted in staggering him."

Colonel Andrew Porter, commanding a brigade in the same division, that of Hunter (the second), followed closely upon the advance of Burnside. Porter's brigade was composed of Griffin's battery, with a detachment of marines to support it, of the Twenty-seventh New York Volunteer Regiment, Colonel Slocum; of the Fourteenth New York State Militia, Colonel Wood; of the Eighth New York State Militia, Colonel Lyons; of a battalion of regulars, Major Sykes; of the first company of Second Dragoons and four companies of cavalry, Major Palmer—with a total strength of 3,700 men.

"The enemy," says Porter, in his report, "appeared drawn up in a long line, extending along the Warrenton turnpike, from a house and haystack upon our extreme right to a house beyond the left of the division. Behind that house there was a heavy masked battery, which, with three others along his line on the heights beyond, covered the ground upon which we were advancing with all sorts of projectiles. A grove in front of his right wing afforded him shelter and protection, while the shrubbery along the road in the fences screened somewhat his left wing.

"Griffin advanced to within one thousand yards, and opened a deadly and unerring fire upon his batteries, which were soon silenced or driven away.

"The enemy clung to the protecting wood with great tenacity, and the Rhode Island battery became so much endangered as to impel the commander of the second brigade to call for the assistance of the battalion of regulars."

In the mean time, the third division, under Heintzelman, had followed the road taken by the second (Hunter's), with the view, however, of stopping at an intermediate ford before reaching that of Sudley's Spring, covered by the latter. "Between two and three miles beyond Centreville," reports General Heintzelman, "we left the Warrenton turnpike, turning into a country road on the right. Captain Wright accompanied the head of Colonel Hunter's column, with directions to stop at a road which turned in to the left to a ford across Bull Run, about half way between the point where we turned off from the turnpike and Sudley's Spring, at which latter point Colonel Hunter's division was to cross.

"On reaching the ford at Sudley's Spring," reports the General, "I found part of the leading brigade of Hunter's division (Burnside's) had crossed, but the men were slow in getting over, stopping to drink. As at this time the clouds of dust from the direction of Manassas indicated the immediate approach of a large force, and fearing it might come down on the head of the column before the division could all get over and sustain it, orders were sent back to the heads of regiments to break from the column and come forward separately as fast as possible. About a mile from the road the country on both sides is open, and for nearly a mile farther large rolling fields extend to the Warrenton turnpike, which crosses what became the field of battle through the valley of a small water-course, a tributary of Bull Run.

"Shortly after the leading regiment of the first brigade reached this open space, and while others and the second brigade were crossing to the front and right, the enemy opened his fire, beginning with artillery, and followed it up with infantry. The leading brigade (Burnside's) had to sustain this shock for a short time without support, and did it well. The battalion of regular



infantry was sent to sustain it, and shortly afterwards the other corps of Porter's brigade—a regiment detached from Heintzelman's division to the left—forced the enemy back far enough to allow Sherman's and Keyes' brigades of Tyler's division to cross from their position to the Warrenton road. These drove the right of the enemy—understood to have been commanded by Beauregard—from the front of the field, and out of the detached woods, and down to the road, and across it, up the slopes on the other side. While this was going on, Heintzelman's division was moving across the field to the stream and up the road. Beyond the Warrenton road, and to the left of that down which our troops had marched from Sudley's Spring, is a hill with a farmhouse on it. Behind this hill the enemy had, early in the day, some of his most annoying batteries planted. Across the road from this hill was another, or rather an elevated ridge, of table-land. The hottest part of the contest was for the possession of the hill with a house on it. Rickett's battery, which did such effective service, and played so brilliant a part in the contest, was, together with Griffin's battery, on the side of the hill, and became the object of the special attention of the enemy, who succeeded—our officers mistaking one of his regiments for one of our own, and allowing it to approach without firing upon it—in disabling the battery, and then attempted to take it. Three times was he repulsed by different corps in succession and driven back, and the guns taken by hand, the horses being killed and pulled away. The third time it was supposed by us all that repulse was final, for he was driven entirely from the hill, and so far beyond it as not to be in sight, and all were certain the day was ours. He had before this been driven nearly a mile and a half, and was beyond the Warrenton road, which was entirely in our possession from the stone bridge westward, and our engineers were just completing the removal of the abattis across the road, to allow our reinforcement (Schenck's brigade and Ayres' battery) to join us.

“The enemy was evidently disheartened and broken. But we had been fighting since half-past ten o'clock in the morning, and it was now after three o'clock in the afternoon. The men had been up since two o'clock in the morning, and had made what, to those unused to such things, seemed a long march before coming into action, though the longest distance gone over was not more than nine and a half miles; and though they had three days' provisions served out to them the day before, many no doubt did not eat them, or threw them away on the march or during the battle, and were therefore without food. They had done much severe fighting; some of the regiments which had been driven from the hill in the first two attempts of the enemy to keep possession of it had become shaken, were unsteady, and had many men out of the ranks.

“It was at this time that the enemy's reinforcements came to his aid from the railway train, understood to have just arrived from the valley with the residue of Johnston's army. They threw themselves into the woods on our right, and opened a fire of musketry on our men, which caused them to break and retire, down the hillside. This soon degenerated into disorder, for which there was no remedy. Every effort was made to rally them, even beyond the reach of the enemy's fire, but in vain. The battalion of regular infantry alone moved up the hill opposite to the one with the house upon it, and there maintained itself until our men could get down to and across the Warrenton

turnpike, on the way back to the position we occupied in the morning. The plain was covered with retreating troops, and they seemed to infect those with whom they came in contact. The retreat soon became a rout, and this soon degenerated still further into a panic."

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## THE BATTLE OF BALL'S BLUFF,

OCTOBER, 1860.

THIS important Confederate victory was gained on the banks of the Potomac, near Leesburgh, the Southern troops occupying the Virginian side, while the Northern forces, under the command of General Stone, made their assault from the Maryland bank. From the narrative of an eye-witness we have selected such details as our limited space will permit.

The crossing of the two branches of the river, formed by Harrison's Island and the Chesapeake and Ohio Canal, which runs along the Maryland shore, though easily made with proper means of transport, was on this occasion exceedingly slow, in consequence of the small number of boats, and their bad condition, and caused the defeat of the whole enterprise. The entire means of transportation, even at Edward's Ferry, where General Stone commanded in person, and proposed to throw across the river his main force, consisted only of "two shaky scows, and one ship's yawl, into which fifteen persons might perhaps be crowded." The consequence was, that General Stone was only able to send a very small portion of his force into Virginia, when there was a pressing need for all.

The means of transport from the Maryland shore to Harrison's Island, and thence to the Virginia shore, were equally deficient. To cross the canal, recourse was had to the expedient of placing a canal boat lengthwise between the banks. The only provision for crossing thence to Harrison's Island, over a swift channel, two hundred yards in width, were two scows, or flat-bottomed boats, holding thirty persons each. It was found impossible to transport by this inadequate means more than a hundred and twenty soldiers an hour. From Harrison's Island again to the Virginia shore, the only means of transportation consisted of a scow and a yawl, or life-boat. The stream on this side is narrow, being only a hundred yards wide, but its current is rapid, and the Virginian bank is ten feet high, clayey, and slippery, while it is backed by the wooded bluff known as Ball's Bluff, from eighty to a hundred and fifty feet in height.

General Baker having been ordered with his brigade to reinforce the remaining Massachusetts men, reached the river bank as the latter were crossing. "The reinforcements from the Massachusetts regiments were using the boats to cross, and the rate at which troops went over was painfully slow," says a careful chronicler. "By-and-by a scow capable of holding forty persons was discovered in the canal, and with infinite pains drawn over into the river. Late in the morning Wistar's [Lieutenant-colonel of California First Regiment] battalion began to cross in this, and, finally, getting the other boats, had all





THE BATTLE OF BALL'S BLUFF.

F. C. F. F.





landed on Harrison's Island in the early afternoon. The transit of the Virginia channel was still slower. Here there were only the scow and life-boat. The current was very swift, and, as on the Maryland side, each boat had to be pushed up stream a dozen rods with sitting-poles in order to hit the landing on the opposite side. The men worked heroically, but the last of the California battalion did not reach the Virginia heights until four o'clock P.M. At that time a smart conflict had been continuing for two hours, whilst skirmishing shots had been exchanged since breakfast. Large numbers of our killed or wounded on the heights were brought down the bluff and were passed over to the island in the returning boats.

"We may now leave the island, and twin river branches, to ascend the slippery banks and the precipitous wooded bluff, by a winding blood-stained path, to the fire and carnage of the deathful opening above. By some appropriate chance the enemy did not make his concerted onset, his final and fatal charges, until the greater portion of our reinforcements had reached the field, and Baker, taking command, and knowing that no further help could reach him, was disposing his little column in brave battle order. Brave, but less strategic, since he retained the position which he found Devens, Lee, and Cogswell had chosen before him (that, perhaps, into which Devens, returning, had been forced), he refused to imitate the Indian warfare of the tree-sheltered and skulking foe. The field was a parallelogram, seventy-five yards wide by two hundred in length. At the distant front, and down the right and left, a thick, dark forest skirted its sides. Behind, the bluff fell steeply off to the river. About a hundred feet from the edge occurred the only interruption to the dead level of this arena, a gentle roll stretching in front of our lines, certainly not more than a yard in height, yet affording some little cover for both artillery and infantry. A spur of the field, shaped like a cow's horn, extended a dozen rods into the woods on the left, half-way between the enemy's front and our own. Directly on the left, and near where the winding path led our forces to the fight, a ravine fell slightly off, its opposite bank ascending to the thicket of woods which thus totally surrounded the field.

"At near four o'clock, then, Baker took the action in hand, looking round him to note the position of affairs. No enemy was anywhere visible in rank, but from the woods in the extreme front a galling irregular fire poured out upon our men. The latter were ranged in no very exact order from right to left, the wings partially covered by the thicket; portions of the centre lying close to the edge of the hill, while others boldly stepped forward, delivered their fire at the woods, returned to load and advance again and again. It was not certain that we were doing much execution, but not a moment passed unmarked by the fall of some of our gallant boys. Baker told Devens and Lee to keep their Massachusetts men on the right and stretched along the centre; placed Wistar and the Californians in charge of the left, and gave the artillery in charge of Colonel Cogswell, whose Tammany companies were also located in the centre.

"Here also was placed the one piece which alone proved of the slightest use to us in the battle. A James rifled cannon, throwing a 13-pound shell, passed over to the Virginia shore in the afternoon, manned by nine or ten of the Rhode Island marines, to whose battery (B) it belonged. As there was no com-

missioned officer of the company present, the brave Lieutenant Bramhall, of the battery attached to the New York Ninth Regiment, volunteered to act as captain of the gun. Arriving on the Virginia shore, his men dismounted the gun, took the carriage to pieces, and with ropes dragged gun, wheels, and ammunition up the precipice, getting in position on the field at a quarter past four. The other guns carried over were two little mountain howitzers, belonging to Ricketts' regular battery, one placed on each flank of our line, and apparently entirely neglected throughout the battle.

"Some disposition having thus been made of our forces (which, as I shall hereafter show, at no one time mustered over 1,300 men), the more serious business commenced. Evidently no retreat could be effected in safety. The fire was growing hot in front. A retrograde movement would undoubtedly call forth a rush in force from the woods, and at the river bank there were only two boats, carrying sixty persons, to take a column of thirteen hundred men over a swift channel, one hundred yards in width. Retreat was certainly impossible! All that could be done—all that our noble officers, with their leader, could or dared think of—was the chance of maintaining their ground until Gorman could force his way to their aid from Edward's Ferry on the left, with the alternative, in probable default of his success, of sacrificing their commands at as great loss to the enemy as their desperate courage could inflict.

"The real battle commenced on the left. Baker threw the whole responsibility of that wing upon Wistar. The latter did not like the appearance of the adjacent wood region, and threw forward companies A and D of his battalion to 'feel' them. Captains Markoe and Wade, the former well ahead, accordingly advanced on their hazardous duty; passed through the forest to the cow's horn projection of the field, crossed it, and had arrived within ten paces of the farther thicket, when a murderous fire blazed out upon them. The poor fellows gallantly sprang through it upon their assailants, and were in a moment fighting in the woods. Not half of them ever came back. But the rebels, taking this as a signal for the commencement of the action, now bestirred themselves in force, and, with hideous yells, fired a terrific volley along their whole front. Only the sheeted flash showed itself from those fronting forests; the foe still clung to cover; but the infernal hail of bullets still rattled against our whole line, and many brave souls were loosed by that first fiery revelation of the enemy's strength. Our reply was instant and extended. In a second both ends of the field were clouded with smoke, the day's skirmishing was over, and the contest that was to rage so hotly for an hour had fiercely commenced.

"Our little band was pent up in a narrow and defenceless slaughter pen. The enemy was in force in front; he began to creep down the treacherous sides of the inclosure; his sharpshooters climbed the trees everywhere, picking out the stateliest and gallantest forms for the death they so unerringly dealt us. Our lines thus received a scathing fire from the front, from above, and a cross fire at angles right and left. All they could do in reply was to aim steadily and swiftly at the places whence the loudest yells and deadliest volleys proceeded. But they dropped everywhere, and were borne by dozens to the gory skiffs below. On the right the Massachusetts men were more than decimated by the regular unavoidable shower of bullets. But against our left, where Wistar



commanded, the rebels, confident of their force and the effect of their deadly fire in front, began to make venturesome charges, each one repelled by the gallant fire of the Californians, but each one getting nearer our lines than the last. On the fourth charge they actually flanked our left and sprang forth, savage and eager, from the thicket beyond the ravine. Down this they were about to plunge, showing a bravery not part of their usual tactics, and our fellows lifted their muskets for a volley. 'Hold!' cried Wistar to his men; 'not a man of you must fire;' and he dashed at the piece of one. 'Wait till they reach the bottom of the ravine; then we'll have them.' So they charged down the hill, only to meet the most effective volley fired on our side during the day. When the smoke rose, their front ranks lay fallen in the hollow of the valley of death; the rear had broken and fled in disorder through the forest. Bancroft Library

"Lieutenant Bramhall had posted his gun near the centre of our line, and opened fire to the best advantage possible. When he mounted the piece he had with him eight artillerists, three riders, a corporal, and sergeant. In ten minutes five of these were shot down; in the end all but two were killed, wounded, or missing. Lieutenant Bramhall himself was severely wounded, but stood by his gun. Colonel Cogswell saw the necessity of the case, informed Colonels Wistar and Lee, Adjutant Harvey (of Baker's Brigade), and Captain Stewart (of General Stone's staff, present on the field), and those five distinguished officers and determined men manned the piece themselves; Cogswell and Harvey understanding the business would load while Lee and Wistar were giving orders to their commands, and spurring them into the fight; then Wistar and Stewart would wheel the gun forward to position; Cogswell would take aim and give the word to Harvey, who held the percussion lanyard. In this way, and by these men, a dozen of the twenty rounds used were fired, doing more effect than all our musketry volleys. When the enemy was making his fifth charge on the left, the cannon had just been loaded and was pointed at the woods in front. Captain Beiral, of the Californians, who was with his company supporting the piece, exclaimed to Cogswell, 'Look to the left! look to the left!' Cogswell saw the dark column of the rebels sweeping across the spur of the field, wheeled the terrible gun around, and discharged it square at the centre. The shell opened a lane through the charging force, a score of traitors falling to fight no more, and the column shut itself up on the main body behind.

"But the end was fast approaching. Our thinning forces were assailed by four times their number. From every side death stormed upon their unsheltered bodies. Half their line officers were wounded or killed. The undaunted leaders were also falling. Ward, Lieutenant-colonel of the Fifteenth, had received a frightful wound; Cogswell was shot through the wrist; Lee, Devens, Harvey, and Stewart were still fighting, sadly and in vain; a ball shattered Wistar's sword-arm—he dropped the weapon, picked it up with his left hand, and General Baker himself restored it to the scabbard. Alas, that the chivalric leader should never again do such kindly service for a brother in arms! The yelling enemy began to break from the wood and through the smoke upon our confused lines. The crisis had come. There was some hand-to-hand fighting; a few of the grey-coats got entangled with our own forces. We took a prisoner and passed him to the rear; they took a dozen and made

charge after charge. Just then a body of men appeared, pressing down from the left. The General ordered the troops around him to stand firm, and cried, 'Who are those men?' 'Confederate troops, you d—d Yankees!' was the reply; and they rushed almost within bayonet distance. One huge red-haired ruffian drew a revolver, came close to Baker, and fired four balls at the General's head, every one of which took effect, and a glorious soul fled through their ghastly openings. Captain Beiral seized the slayer by the throat and blew out his brains—the hero and the traitor falling within the same minute, and face to face. In a second the enemy swarmed over the spot. 'For God's sake, boys!' cried Adjutant Harvey, in his hot English way, 'are you going to let them have the General's body?' An angry howl was the answer, and a dozen of our fellows charged, with set teeth and bayonets fixed, upon the rebels, who recoiled from the shock and surrendered their priceless trophy. This was passed down the bluff and safely conveyed to the island. But now our lines were hopelessly disordered. The rebels came through both field and woods in final force. Coggswell saw that the day was lost, and that the desperate, impossible retreat had come. So he ordered our men to retire for embarkation, and the field was yielded to the foe."

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### THE BOMBARDMENT OF PORT ROYAL, NOV. 8, 1861.

PORT ROYAL is an inlet which opens into the Atlantic in latitude 32° 8' north, distant fifty miles in a south-east direction from the harbour of Charleston, and fifteen miles north-east from the entrance through Tybee Inlet to the port of Savannah, in Georgia. The coast of the Carolinas and Georgia has a peculiar conformation, the original deposit of sand by the sea being divided into numerous islands by inlets from the ocean, and bodies of water, termed, according to their extent, sounds, swamps, or creeks, through which the inland rivers find their way to the Atlantic. The numerous islands into which the coast is thus broken up, differ in fertility, according to their position. Those directly bordering the ocean are mere sandbanks, hardly above the level of the sea, and are barely capable of cultivation, but serve as natural defences to the inner islands, which they protect from the full influence of the Atlantic tides.

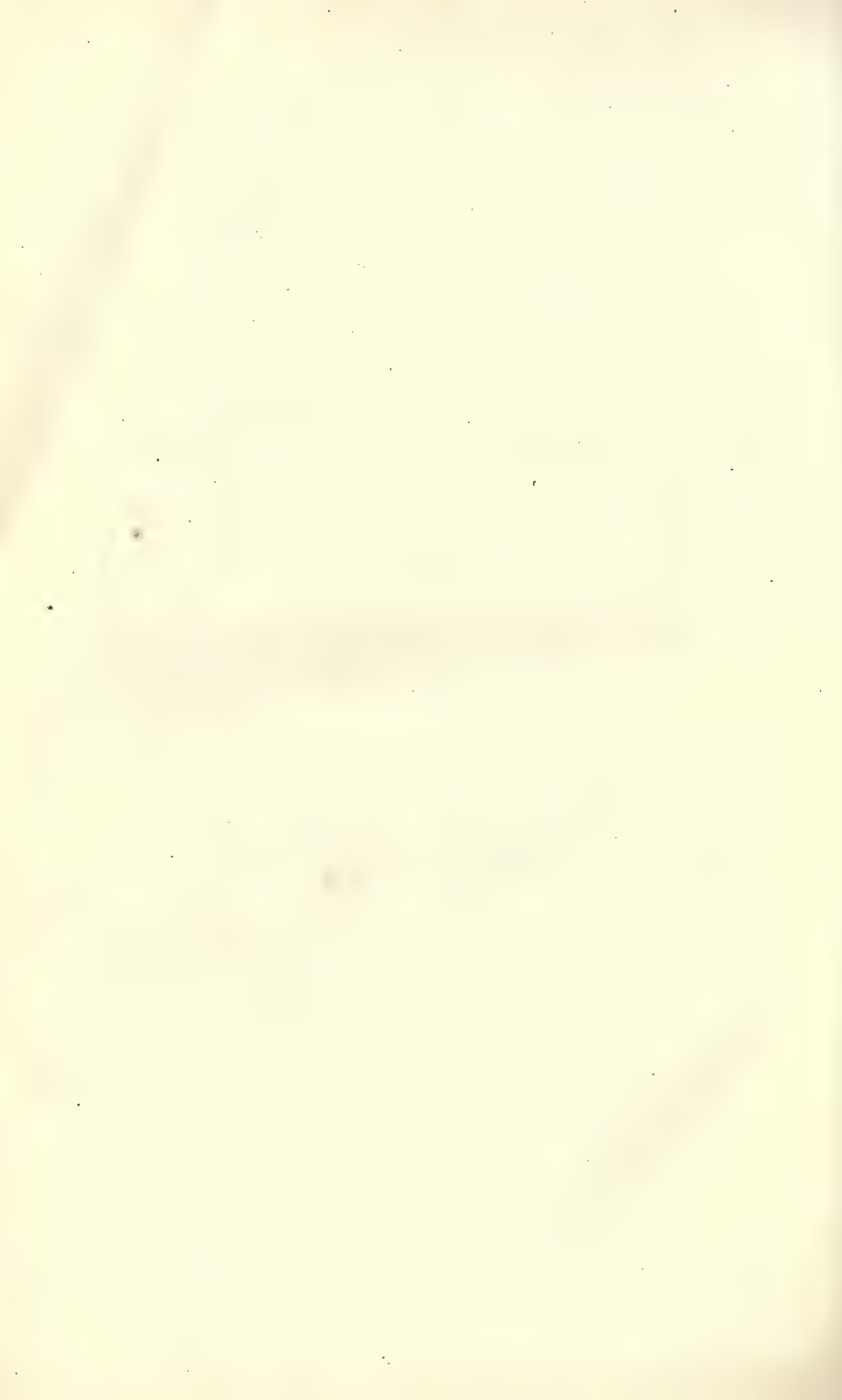
Port Royal entrance is bounded on the right on going in, by Edding's Island, and on the left by Hilton Head Island. Here the Broad River, after being joined by Beaufort River, empties. These bodies of water, though fed by inland streams, are greatly enlarged by influx from the ocean through the various inlets dividing the outer bars of sand. The whole region about Beaufort, bounded by the Atlantic, the Broad River, the Coosaw River, and St. Helena Sound, has an area of about twenty-five miles by fifteen, composed of over a dozen islands, separated from each other by rivers or creeks, as they are called.

The enemy having timely information of the object and approach of the great expedition, had made formidable preparations to defend the entrance of Port Royal. They had constructed on either side strong fortifications. At





BOMBARDMENT OF PORT ROYAL.





Bay Point, on St. Philip's Island, on the right of the entrance, was Fort Beauregard. This work, constructed of sand and palmetto logs, stood upon a sand-spit jutting out from the island. On the front, toward the sea, was a lunette, mounting twelve guns, to the right of which was a small salient with three, and to the left a small redan with two guns. A wide swamp gave a natural defence to the rear, and an artificial ditch, with a stockade, protected the front. The armament of the fort was sixteen guns in all, consisting of eight 32-pounders *en barbette*, one 10-inch columbiad for shell, one 11-inch columbiad, two 24-pounders with smooth bores, one 24-pounder rifled, and three 42-pounder guns in casemates. A large magazine for ammunition was constructed within the works, and an extensive wooden barrack outside, in the rear. The garrison was computed to amount to about 500 men.

On the left of the entrance of Port Royal, on going in, there was Fort Walker. This was built upon a bluff eight feet high, on the island of Hilton Head. It was a regular work, with bastions and curtains, and required three months of negro labour to construct. Its position commanded the Port Royal entrance, and the approach to the town of Beaufort, by the Beaufort River. The enemy had mounted it with twenty-three guns, of excellent workmanship and great range. There were two 10-inch shell-guns, one 32-pounder rifle cannon, ten 8-inch columbiads, and three 24-pounders. On the land side there was a redan crossing the entrance to the fort, upon which the three 24-pounders were mounted; the rest of the cannon were all *en barbette*, arranged on carriages of the most approved construction. A ditch, fifteen feet wide and ten deep, protected with stockades, surrounded the work. Traverses and covered ways had been added to secure the garrison from exposure, and a shelter provided as a cover for sharpshooters. Three magazines had been built and filled with ammunition, several wells dug, containing a good supply of water, and every possible provision for the large garrison, said to number no less than 1,300 men.

The action will be best described in the language of Commodore Dupont, to whom the Federals had intrusted the command of the expedition. We quote from his despatch:—"At 8 o'clock the signal was made to get under way. At 8.10, the leading ship, riding to the flood, tripped her anchor, and at 8.30 the ship turned and was headed in for the forts. At 9 o'clock the signal was made for 'close order.' At 9.26 the action commenced by a gun from Fort Walker, immediately followed by another from Fort Beauregard. This was answered at once from this ship, and immediately after from the Susquehannah. At 10 o'clock the ship of the line turned to the southward and made signal to the Vandalia—which ship, in tow of the Isaac Smith, was dropping astern, and was exposed, without support, to the fire of Fort Beauregard—to join company. At 10.15 the signal was made for closer action; the Wabash slowly passed Fort Walker at distance, when abreast, of 800 yards. At 11 o'clock the signal was made to get into the reserve stations, and at 11.15 to follow the motions of the Commander-in-chief. At 11.30 the enemy's flag was shot away. The second fire with the starboard guns of the Wabash and of Captain Lardner in the Susquehannah, my second in command, who always kept so near as to give me the entire support of his formidable battery, seems, at this short distance, to have discomfited the enemy. Its effect was increased by the shells

thrown from the smaller vessels at the enfilading point. It was evident that the enemy's fire was becoming much less frequent, and, finally, it was kept up at such long intervals, and with so few guns, as to be of little consequence. After the Wabash and Susquehannah had passed to the northward, and given the fort the fire of their port battery the third time, the enemy had entirely ceased to reply, and the battle was ended. The transports now got under way, and came up rapidly, and by nightfall Brigadier-General Wright's brigade had landed and entered upon the occupation of the ground. The whole loss of the Unionists was eight killed, and twenty-three wounded."

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### THE CAPTURE OF ISLAND NUMBER TEN.

Of the many fortified positions captured during the present war, perhaps none were more bravely defended than Island No. 10. By the Federal party the possession was believed to be most important, as opening to them a free and unimpeded passage through the Mississippi, from which they had been debarred since the commencement of hostilities, and without which they could never hope to re-establish the authority of President Lincoln in the South. The value of Island No. 10 was also highly appreciated by their Confederate opponents. To them it was the Gibraltar of the Mississippi; holding it, they were masters of the navigation, and could with ease and certainty transport troops and the material of war through an extensive portion of their territory, and also command a powerful means of annoyance to their enemies. Under these circumstances, we are prepared to hear that its defences would exhibit the greatest skill on the part of the military engineers, and that neither labour nor expense would be spared to render it as nearly impregnable as the locality would allow. That such was the case, the long resistance which it was enabled to make is a sufficient proof, and the general feeling of depression and anger that followed its loss throughout the entire South is evidence of its value in the eyes of its defenders.

It was not till after the capture of Fort Henry and Fort Donnelson, and also securing the possession of Columbus, that the Federal forces were enabled to approach Island No. 10 with any chance of success, and even then New Madrid offered a formidable obstacle to their progress. This town, which stands on the right bank of the river, at the extremity of an abrupt bend, is situate about ten miles above the scene of our engraving. It was protected by a fort with four bastions, and an extensive range of earthworks; these were maintained with much vigour till the night of the 13th of March, 1862, when they were precipitately abandoned under the cover of a thunder-storm, and the troops retreated without molestation to their last stronghold. In their hurried departure they left behind them a large amount of ammunition and military stores of every description.

The uninterrupted series of victories of the Northern armies caused the greatest excitement, and the exertions of the Southern party were nerved to





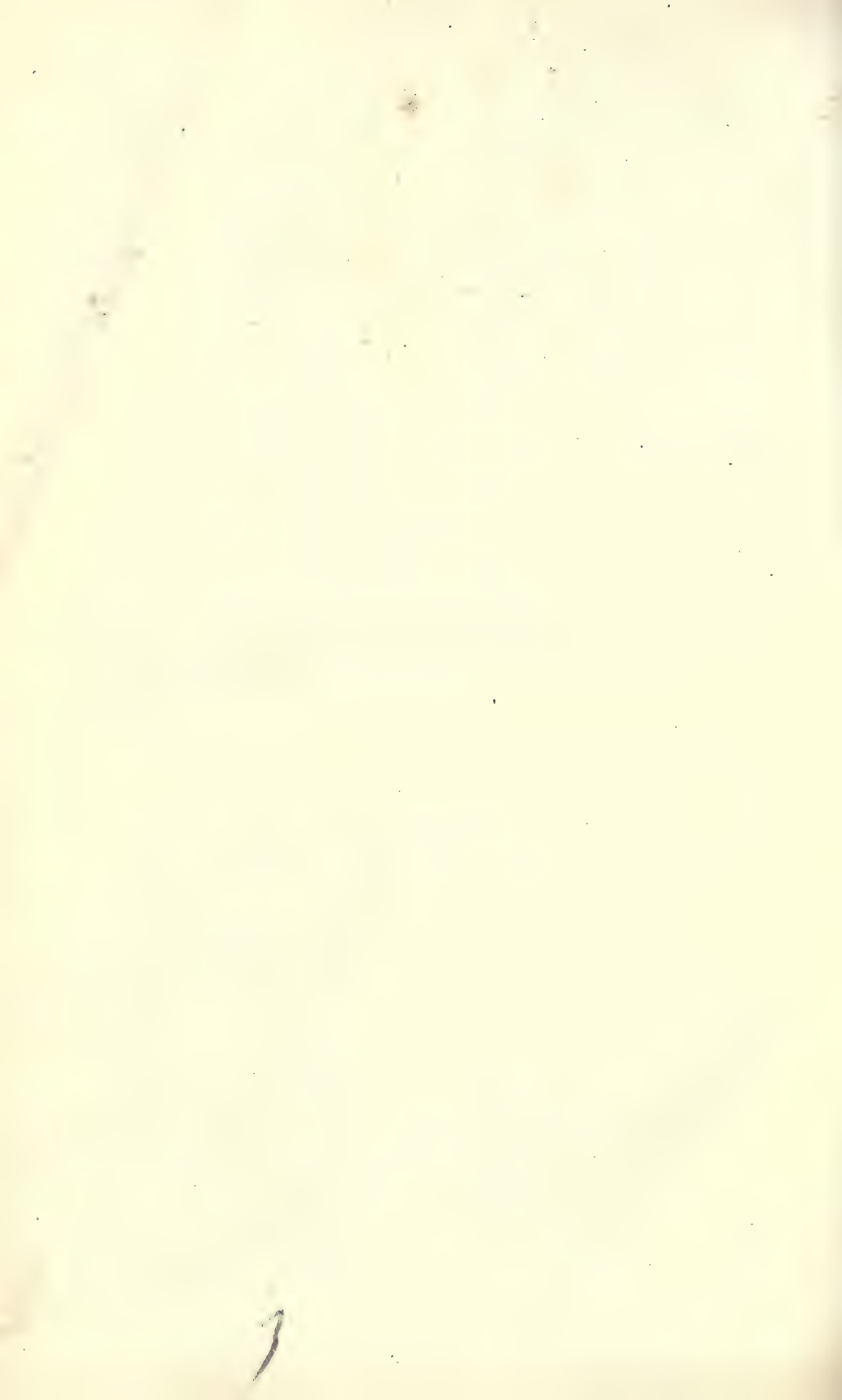
TAKING ISLAND N°10.





THE BATTLE OF LUTHE, 1864. THE BATTLE OF LUTHE, 1864.







their uttermost. General Beauregard was called upon to assume the command of the army of the Mississippi, and he called to his aid General Bragg. His first order was a fervid appeal to the patriotism of his troops; we quote it to show the feeling which so generally prevailed:—

“Soldiers,” he said, “I assume this day command of the army of the Mississippi, for the defence of our homesteads and liberties, and to resist the subjugation, spoliation, and dishonour of our people. Our mothers and wives, our sisters and children, expect us to do our duty, even to the sacrifice of our lives. Our losses since the commencement of the present war, in killed, wounded, and prisoners, are now about the same as those of the enemy. He must be made to atone for those reverses we have lately experienced. Those reverses, far from disheartening, must nerve us to new deeds of valour and patriotism, and should inspire us with an unconquerable determination to drive back our invaders. Should any one in this army be unequal to the task before us, let him transfer his arms and equipments at once to braver, firmer hands, and return to his home. Our cause is as just and sacred as ever animated men to take up arms, and if we are true to it, and to ourselves, with the continued protection of the Almighty, we must and shall triumph.”

All, however, was unavailing; before the close of April, Island No. 10 was in the hands of General Pope, and with it the command of the Mississippi. This success was only obtained by the arduous labour of cutting a canal almost under the guns of the Confederate batteries, and stretching across the land to New Madrid, thus taking the Confederates in the rear. Their loss on this occasion was very serious, and they left in the hands of their conquerors three generals, 6,000 prisoners of war, 100 siege pieces, and several field batteries, immense quantities of small arms, tents, waggons, and horses; a floating battery, several transport steamers, and gun-boats, were also among the spoil of the victors.

The special incident depicted in the accompanying plate is the naval attack so ably conducted by Captain Foote.

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## THE ENGAGEMENT BETWEEN THE MONITOR AND MERRIMAC.

No event of the War of Secession has created a greater excitement than this the first naval encounter between two iron-clad vessels of war. We propose to briefly describe the ships, and complete our notice by an epitome of the contest which attracted the attention of all maritime nations.

The United States' steam frigate, Merrimac, fell into the hands of the insurgents of Virginia when the Norfolk Navy Yard was abandoned by the Federal officers. An attempt had been made, by scuttling and sinking, to destroy her, but the enemy had succeeded in raising the hull, repairing the machinery, and by reconstruction, in rendering the Merrimac a most formidable vessel of war. Her hull was cut down to within three feet of the water-mark, and a bomb-proof shield of heavy timber, plated with bars of railroad iron, three inches thick, was built so as to cover her gun-deck, like the gabled roof of a

house. Without masts, nothing was left exposed above but her smoke-stack and pilot-house. Fore and aft she was strengthened with solid oak and plated with thick steel. To her bows, moreover, was affixed a "ram" of steel, something like the share of a plough, for the purpose of piercing or running down vessels. Though the Merrimac was originally mounted with forty guns, twelve cannon only were placed on board of her, but these were of the most formidable character. On each side she carried 11-inch navy guns, and at the bow and stern two 100-pounders, supposed to be of English manufacture. These cannon projected from port-holes, opening through the iron mail, within which the artillerists, while loading and firing, could remain under cover. This novel war-machine had been long preparing, and although at one time there had been alarming rumours at the North of its formidable character, these had been allayed by the artful statement of the Southern newspapers, that "the Merrimac was a failure."

The Monitor was the floating battery designed by Captain Ericsson, a Swedish engineer, who had been long a resident of New York, and become notable for his ingenious inventions, among which that of the caloric engine is the best known. The Monitor was built and launched at Greenpoint, Long Island, in one hundred days. Her plan, which was designed by Ericsson, was claimed to be wholly original. The vessel was constructed with two hulls—an upper and lower one. The latter, which was entirely submerged below the water and protected by the former, was built of  $\frac{3}{8}$ -inch iron, with an average thickness of three-quarters of an inch. Its length was 124 feet, and its breadth where it was attached to the upper hull 34 feet; from this it inclined towards the keel, so that a ball could not strike it without passing through 25 feet of water, and at an angle of about ten degrees. The upper hull was 174 feet long, 41 feet 4 inches wide, and 5 feet deep. It thus projected beyond the lower hull at each end 25 feet, and extended over the sides 3 feet 7 inches. The sides of the upper hull were vertical, built with bulwarks of white oak, 30 inches thick, lined with iron  $\frac{1}{2}$ -inch thick, and covered on the outside with solid plate iron, 6 inches in thickness, which enveloped the whole vessel to a depth of 5 feet. The draught of the structure in the water was barely 10 feet, and its sides rose only 18 inches above the surface. The propeller, rudder, anchor, and machinery were protected within the iron mail of the upper hull.

The deck was shell proof, and upon it rose a cylindrical turret, to hold the guns and those who served them. Its height was 9 feet, and its diameter within 20 feet. It had two port-holes, both on the same side, armed with two 11-inch columbiads, and was so constructed and arranged with machinery that it could revolve fifteen times in a minute. The revolving turret was composed of a rolled iron skeleton, 1 inch in thickness, to which were riveted and bolted eight laminæ of rolled plates, each 1 inch thick. These plates were very accurately fitted up, the seams were vertical, and the joints so arranged as not to come in the same line. The top was made bomb-proof by being covered with a bomb-proof roof placed 6 inches down in the cylinder. And additional iron shield of 2 inches strengthened the side pierced by the port-holes, and which was most exposed to fire. Two enormous wrought-iron-pendulums were



so hung that when the gun recoiled they would swing by and effectually close the port-holes. The vessel was a long oval in shape, with a clear deck without a rail, and having nothing above it except the revolving turret and the angular pilot-house, which could be lowered in action. The issue of the smoke and steam was through a pipe, which was capable of shutting in like an ordinary telescope, while its outer aperture was covered with a bomb-proof grating, which likewise protected the ventilators. In the construction of this formidable machine, Ericsson seemed to have succeeded in solving the problem of obtaining the greatest possible buoyancy with the smallest area of target. The cost of the Monitor was 275,000 dollars, only about an eighth of that of the famous English iron-clad Warrior.

On the 9th of March, 1862, these vessels met in Hampton Roads, the Merrimac having on the preceding day seriously damaged the Congress and sunk the Cumberland—two of the Federal fleet. A steamer, named the Minnesota, ran aground while proceeding to the relief of the above-named vessels, and the condensed narrative of her commander, Captan Van Brunt, gives a vivid picture of a combat which is unprecedented in history. We quote the captain's own words.

"At six o'clock A.M. the Merrimac appeared coming down from Craney Island," he says, "and I beat to quarters, but they ran past my ship and were heading for Fortress Monroe, and the retreat was beaten to allow my men to get something to eat. The Merrimac ran near the Rip Raps, and then turned into the channel, through which I had come. Again all hands were called to quarters, and I opened upon her with my stern guns and made signals to the Monitor to attack the enemy. She immediately ran down in my wake, right within the range of the Merrimac, completely covering my ship as far as was possible with her diminutive dimensions, and, much to my astonishment, laid herself right alongside of the Merrimac, and the contrast was that of a pigmy to a giant. Gun after gun was fired by the Monitor, which was returned with whole broadsides from the rebels, with no more effect apparently than so many pebble-stones thrown by a child. After a while they commenced manœuvring, and we could see the little battery point her bow for the rebels, with the intention, as I thought, of sending a shot through her bow port-hole, then she would shoot by her and rake her through her stern. In the mean time, the rebels were pouring broadside after broadside, but almost all her shot flew over the little submerged propeller; and when they struck the bomb-proof tower, the shot glanced off without producing any effect, clearly establishing the fact that wooden vessels cannot contend successfully with iron-clad ones, for never before was anything like it dreamed of by the greatest enthusiast in maritime warfare. The Merrimac, finding that she could make nothing of the Monitor, turned her attention once more to me. In the morning she had put one 11-inch shot under my counter, near the water-line, and now, on her second approach, I opened upon her with all my broadside guns and 10-inch pivot—a broadside which would have blown out of the water any timber-built ship in the world. She returned my fire with a shell from her rifled bow gun, which passed through the chief engineer's state-room, through the engineer's mess-room amidships, and burst into the boatswain's room, tearing four rooms all into one, in its passage

exploding two charges of powder, which set the ship on fire, but it was promptly extinguished by a party headed by my first lieutenant. Her second went through the boiler of the tug-boat, Dragon, exploding it and causing some consternation on board my ship for the moment, until the matter was explained. This time I had concentrated upon her an incessant fire from my gun-deck, spar-deck, and fore-castle pivot-guns, and was informed by my marine officer, who was stationed on the poop, that at least fifty solid shot struck her on her slanting side without producing any apparent effect. By the time she had fired her third shell, the little Monitor had come down upon her, placing herself between us, and compelled her to change her position, in doing which she grounded, and again I poured into her all the guns which could be brought to bear upon her. As soon as she got off she stood down the bay, the little battery chasing her with all speed, when suddenly the Merrimac turned round and ran full speed into her antagonist. For a moment I was anxious, but instantly I saw a shot plunge into the iron roof of the Merrimac, which surely must have damaged her, for some time after the rebels concentrated their whole battery upon the tower and pilot-house of the Monitor, and soon after the latter stood down for Fortress Monroe, and we thought it probable she had exhausted her supply of ammunition or sustained some injury.

“Beaten off by the little Monitor, the Merrimac, accompanied by her consorts, returned to Norfolk with the consciousness that in her second day’s encounter she had met with more than her equal. She was reported by negro refugees to be much damaged. ‘One shot,’ it was said, ‘from the Cumberland riddled her, and one shot from the Monitor went through her port-hole, and dismounted two guns.’ In the official report it was stated, ‘Two of our guns had the muzzles shot off. The prow was twisted, and the armour somewhat damaged by her encounter with the Cumberland.’”

THE END.





